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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91191056
Party	Plaintiff White Rock Distilleries, Inc.
Correspondence Address	DANIEL I SCHLOSS GREENBERG TRAURIG, LLP 200 PARK AVENUE, 34TH FLOOR NEW YORK, NY 10166 UNITED STATES schlossd@gtlaw.com
Submission	Testimony For Plaintiff
Filer's Name	Daniel I. Schloss
Filer's e-mail	schlossd@gtlaw.com
Signature	/Daniel I. Schloss/
Date	02/14/2011
Attachments	Reidl ex pt 1.pdf (95 pages)(5057451 bytes)

PAUL W. REIDL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FRANCISCAN VINEYARDS, INC.,

Opposer,

v.

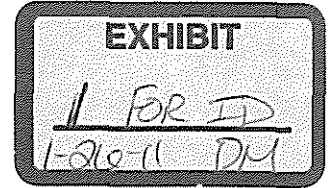
WHITE ROCK DISTILLERIES, INC.,

Applicant.

Opposition No. 91185984

Mark: PINNACLE

Serial No.: 78/166,136



WHITE ROCK DISTILLERIES, INC.,

Opposer,

v.

FRANCISCAN VINEYARDS, INC.,

Applicant.

Opposition No. 91191056

Mark: PINNACLES RANCHES

Serial No.: 77/598,674

**WHITE ROCK DISTILLERIES, INC.'S NOTICE OF TAKING
TESTIMONY OF PAUL W. REIDL PURSUANT TO 37 C.F.R. § 2.123**

PLEASE TAKE NOTICE that pursuant to 37 C.F.R. § 2.123, White Rock Distilleries, Inc. ("White Rock") by its attorneys, will take the deposition upon oral examination, as recorded by stenographic means, of Paul W. Reidl, 3300 Wycliffe Drive, Modesto, CA 95355 at the offices of Greenberg Traurig, LLP, 200 Park Avenue, New York, NY 10166, beginning on January 26, 2011, at 10:00 a.m. as mutually agreed by the parties in writing. The oral examination will continue from day to day (excluding Saturdays, Sundays, and holidays) until completed before a Notary Public or other officer authorized by law to administer oaths.

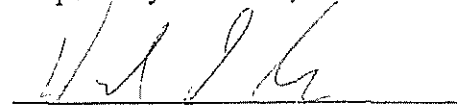
PAUL W. REIDL

You are invited to attend and cross-examine.

Respectfully submitted,

Dated: January 5, 2011

By:



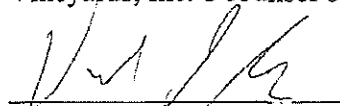
Daniel I. Schloss
Alan N. Sutin
Masahiro Noda
GREENBERG TRAURIG, LLP
200 Park Avenue
New York, New York 10166
(212) 801-9200

Attorneys for White Rock Distilleries, Inc.

CERTIFICATE OF SERVICE

Date: January 5, 2011

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Taking Testimony of Paul W. Reidl has been served by personal delivery upon Franciscan Vineyards, Inc.'s counsel of record.



Daniel I. Schloss



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X
White Rock Distilleries, Inc.

Opposition No. 91191056

Opposer

Mark: PINNACLES RANCHES

v.

Serial No.: 77/598674

Franciscan Vineyards, Inc.

Applicant
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**STIPULATED MOTION TO EXTEND AND RESET TRIAL DATES
AND MOTION REQUESTING BOARD APPROVAL OF STIPULATIONS
GOVERNING TESTIMONY DEPOSITIONS**

White Rock Distilleries, Inc.'s ("White Rock") 30-day Trial Period is currently set to end on January 1, 2011. In accordance with discussion the parties had during a telephone conference with TTAB Interlocutory Attorney Michael Adlin on November 3, 2010, the parties have now agreed upon a schedule for the captioned proceeding as well as Opposition No. 91185984 between the parties hereto. The new schedule would permit the parties to take testimony depositions of certain witnesses, with such witnesses' testimony to be used in both opposition proceedings in an effort to obviate the need for multiple testimony depositions of the same witnesses in California to elicit some of the same facts repeatedly. The parties reserve the right to take rebuttal testimony wherever necessary during their respective rebuttal periods. The parties hereby move that Trial dates be extended and reset as follows:

White Rock's testimony period to open
White Rock's testimony period to close
Franciscan's testimony period to open

Jan. 3, 2011
Feb. 2, 2011
Feb. 3, 2011

PAUL W. REIDL

Franciscan's Pretrial Disclosures due	Feb. 17, 2011
Franciscan's testimony period to close	March 4, 2011
White Rock's Rebuttal Disclosures due	March 19, 2011
White Rock's 15-Day Rebuttal Period to open	April 3, 2011
White Rock's 15-Day Rebuttal Period to close	April 18, 2011

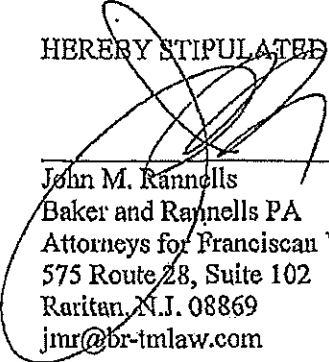
The parties further move the Board to approve the following stipulations concerning the testimony depositions of certain witnesses:

1. That White Rock's testimony deposition of Paul Reidl, shall be taken in New York City on January 26, 2011. Mr. Reidl's testimony deposition shall be taken for purposes of both the instant proceeding and Opposition No. 91185984. Mr. Reidl's single testimony deposition transcript may be offered into evidence by White Rock in both the instant proceeding and Opposition No. 91185984. Franciscan reserves the right to challenge Mr. Reidl's expert qualifications and to otherwise object to Mr. Reidl's testimony.
2. That the testimony deposition of third-party witness Riccardo Mora shall be taken by each of White Rock and Franciscan in San Francisco on January 5, 2011 upon notice by subpoena issued by the United States District Court for the Northern District of California. Relevant portions of Mr. Mora's single testimony deposition transcript may be offered into evidence by each party in both the instant proceeding and Opposition No. 91185984, during the respective and relevant testimony and rebuttal periods for each case, with each party reserving the right to object to testimony on the basis of relevancy or materiality, or to object to leading questions, with each of the foregoing types of objections to be made by separate document within 30 days of submission of the portion of the transcripts submitted with each case.
3. That testimony deposition of third-party witness Christine Lillienthal shall be taken by each of Franciscan and White Rock in San Francisco on January 4, 2011 upon notice by subpoena issued by the United States District Court for the Northern District of California. Relevant portions of Ms. Lillienthal's single testimony deposition may be offered into evidence by each party in both the instant proceeding and Opposition No. 91185984, during the respective and relevant testimony and rebuttal periods for each case, with each party reserving the right to object to testimony on the basis of relevancy or materiality, or to object to leading questions, with each of the foregoing types of objections to be made by separate document within 30 days of submission of the portion of the transcripts submitted with each case.
4. That Franciscan's testimony depositions of Oren Lewin and Scott Black in Opposition Number 91185984 may be offered into evidence by Franciscan in the instant proceeding, during the respective and relevant testimony periods for each case. White Rock reserves the right to object to testimony on the basis of relevancy or materiality, or to object to leading questions, with each of the foregoing types of objections to be made by separate document within 30 days of submission of the portion of the transcripts submitted with each case.

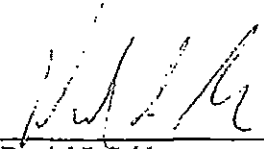
PAUL W. REIDL

5. The parties agree to use reasonable efforts to submit / designate only those portions of the testimony deposition transcripts in each case that are relevant to the issues in that case.

HEREBY STIPULATED AND AGREED TO



John M. Rannells
Baker and Rannells PA
Attorneys for Franciscan Vineyards, Inc.
575 Route 28, Suite 102
Raritan, N.J. 08869
jmr@br-mlaw.com



Daniel I. Schloss
Greenberg Traurig, LLP
Attorneys for White Rock Distilleries, Inc.
200 Park Avenue, 34th Floor
New York, N.Y. 10166
schlossd@gtlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **STIPULATED MOTION TO EXTEND AND RESET TRIAL DATES AND MOTION REQUESTING BOARD APPROVAL OF STIPULATIONS GOVERNING TESTIMONY DEPOSITIONS**, in:

Franciscan Vineyards, Inc. v. White Rock Distilleries, Inc., Opposition No. 91185984

AND

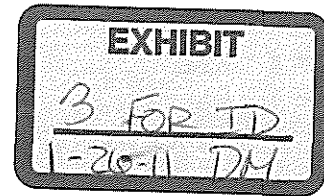
White Rock Distilleries, Inc., Opposition No. 91191056

was forwarded by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 29th day of November, 2010, to the Attorney for White Rock Distilleries at the following address:

Daniel I. Schloss
Greenberg Traurig, LLP
200 Park Avenue, 34th Floor
New York, NY 10166



John M. Rannells



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X
White Rock Distilleries, Inc.

Opposition No. 91191056

Opposer

Mark: PINNACLES RANCHES

v.

Serial No.: 77/598674

Franciscan Vineyards, Inc.

Applicant
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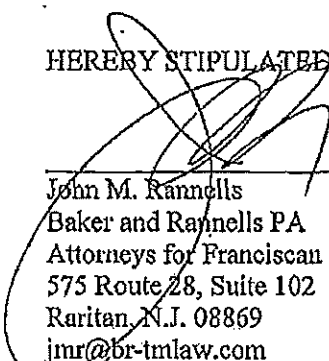
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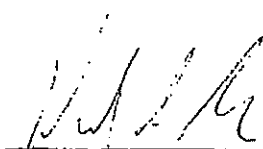
PAUL W. REIDL

5. The parties agree to use reasonable efforts to submit / designate only those portions of the testimony deposition transcripts in each case that are relevant to the issues in that case.

HEREBY STIPULATED AND AGREED TO



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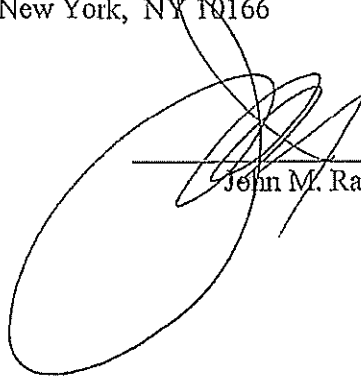
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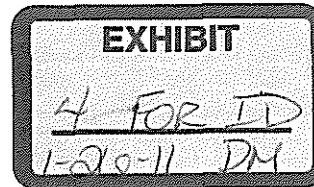


John M. Rannells

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IN THE MATTER OF APPLICATION

Mark: PINNACLE
Applicant: White Rock Distilleries, Inc.
Serial No.: 78/166,136
Published in
the Official Gazette: July 22, 2008



FRANCISCAN VINEYARDS, INC.,)
)
Opposer,)
)
v.)
)
WHITE ROCK DISTILLERIES, INC.,)
)
Applicant.)

Opposition No. 91185984

**RULE 26 DISCLOSURE STATEMENT AND
DECLARATION OF PAUL W. REIDL**

I, Paul W. Reidl, declare as follows:

INTRODUCTION

1. My name is Paul W. Reidl. I am the principal attorney in the Law Office of Paul W. Reidl, located at 3300 Wycliffe Drive, Modesto, California, 95355. My professional experience is further summarized in paragraphs 33 – 43 of this Declaration.

2. I have been retained in this case by counsel for the Applicant, White Rock Distilleries, Inc. ("White Rock"), as a witness on issues relating to Opposer's use of a PINNACLES trademark for wine in the United States and other alcohol beverage labeling and marketing-related issues. Counsel for White Rock has provided me with, and I have reviewed,

1 the documents and discovery referenced in Exhibit A. I have also reviewed the materials and
2 references in Exhibit A.

3 3. My opinions flow from the documents provided to me by counsel for White Rock,
4 my own research, and my own knowledge and experience in the labeling, marketing and sales of
5 alcohol beverages in the United States.

6 OPINIONS

7 4. Domestically produced table wines are sold at retail in the United States as
8 branded products. Wine producers and marketers devote a substantial amount of time and care
9 to the selection of brands, the design of labels and packaging, and the promotion of those brands
10 at retail and on-line. This is particularly true for the larger wine producing and marketing
11 companies.

12 5. Opposer, Franciscan Vineyards, Inc., was acquired in 1999 by Canandaigua
13 Brands, Inc. in New York. Canandaigua has since changed its name to Constellation Brands.
14 Constellation is multi-billion dollar company that is the largest producer and marketer of table
15 wines in the world. Its portfolio includes domestic table wine brands such as ROBERT
16 MONDAVI, CLOS DU BOIS, ESTANCIA, RAVENSWOOD, FRANCISCAN ESTATES,
17 SIMI and WOODBRIDGE, among others.

18 6. In the United States, there are two traditional types of brand names for wines:
19 geographic terms and personal names. Both types of traditional brand names are used for the
20 same basic purpose, namely, to impart a sense of uniqueness to the wine in the bottle.

21 a. Developing this sense of uniqueness provides a platform for wine
22 marketers to differentiate their wines from those of competitors. Differentiation is important
23 because there are thousands of wine brands sold at retail in the United States. While there are no
24

b. Differentiation is also important because it helps the wine brand break into consumer consciousness at the point of purchase. This is particularly necessary in the retail context where the consumer can face hundreds of different brands on the retail shelf in what has become known as the “Wall of Wine.” It is important to the success of a wine that the packaging, brand name, logo and story be sufficiently impactful to get the consumer’s attention at the point of purchase. In general, the objective is to get the consumer either to recognize the brand (from some previous stimulus such as an advertisement, article, prior purchase, or recommendation) or to be interested in it on impulse, and to have the consumer select the bottle and put it into their shopping cart.

7. Geographic brand names are a “New World” adaptation of the European geographic indication system. For centuries, the most prominent feature on the label of European wines was the name of the geographic area in which the grapes were grown and the wine was made. This system has various names in various countries, such as Appellation d'origine Contrôlée (France), the Indicazione Geografica Tipica (Italy) and Denominazione di Origine Controllata (Italy). The administrative bodies for these regions establish rules and regulations for grape growing and wine making, with one intended result being that the wines from the region should have many of the same flavor characteristics. The geographic indication system also functions as a symbol of quality and trust. The premise of the geographic indication system is the belief that the “terroir”, i.e., the climate, soil and topography of the growing area, plays a dominant role in determining the flavor characteristics of the wine.

1 8. The wine industry and culture in the United States is relatively new compared to
2 the European tradition.¹ It did not get started in earnest until the end of Prohibition in December
3 1933; the premium table wine business did not begin to develop until the 1970's. As the wine
4 industry in the United States was in its infancy, wine marketers and wine makers understood the
5 importance of "terroir" but did not have the European tradition of designated growing areas or
6 the regulatory regime to lend legitimacy to the geographic area. Thus, they developed their own
7 labeling nomenclature that featured the names of the wine makers (e.g., ROBERT MONDAVI,
8 GALLO, PAUL MASSON, CARLO ROSSI, TAYLOR) or a geographic term (e.g.
9 CALIFORNIA CELLARS, TAYLOR NEW YORK CELLARS, CORBETT CANYON, NAPA
10 RIDGE).

11 9. The use of geographic and personal names in the wine business allowed vintners
12 to create their own "story" about the quality of their wines. In the case of brand names featuring
13 winemakers, the wine marketer could use the brand name as a springboard for a discussion of the
14 winemaker's passion, experience, care, and quality. (For example, the famous PAUL MASSON
15 tag wine "we will sell no wine before its time" was credible because there was an individual
16 named "Paul Masson" making that promise.) Similarly, the use of geographic terms gave wine
17 marketers the opportunity to talk about the "terroir" even though the geographic area was not a
18 formally designated geographic indication and supported with the quality assurance criteria of
19 the European regulatory regime. Using a geographic brand name offered consumers a sense of a
20 place of origin for the wine.

21
22
23 ¹ Hence, wines originating in Europe are sometimes referred to as "Old World Wines" and
24 wines originating in the United States (and other countries) are sometimes referred to as "New
World Wines."

10. Both wine labeling conventions continue to be used widely in the United States even though there is now an established a geographic indication system (called "American Viticultural Areas.") Non-traditional, fanciful names and symbols have also been used in recent years (e.g. YELLOWTAIL) but even here there may be some grounding in terroir. (The YELLOWTAIL wine package features the design of a yellow kangaroo which tells the consumer that the wine originates in Australia). In any case, the brand name serves as a starting point for the "story" about the brand which is, in turn, the focal point of the marketing efforts for it. The "story" is particularly important because it helps to differentiate the wine from those of competitors and, in the case of larger producers like Constellation, from the multiple brands in the producer's portfolio. The "story" positions the brand and tells consumers why they should be interested in buying it.

11. Focusing on terroir in wine labeling and marketing is an inherent characteristic of the business because wine is an agricultural product made from fermented grapes. The wine tradition and culture -- whether in the Old World or the New World -- is of vineyards, soil, geography, seasons and climate. The winemaker can only work with the grapes that the terroir provides. For this reason, for all types of table wine brands (geographic, personal names, fanciful) most winery web sites and labels talk about the land and the climate in which the grapes were grown.²

12. The emphasis on terroir is also carried forward into wine labels. The terms "Vineyards" and "Ranches" are commonly added to the place name or the personal name to further ground the wine in a specific geographic location. In short, wine marketing has over the years conditioned consumers to associate brands with a geographic place, a person, or both. This

² One exception to this might be value priced, semi-generic wines that are sold in larger containers, e.g., 1.5, 3 or 5 liters.

1 is important to establishing the legitimacy of the brand and differentiating it from the
2 competition and the other brands within the vintner's portfolio.

3 13. The PINNACLES brand was developed by Paul Masson winery in the early
4 1970's. It was the name given to a vineyard that the winery planted in the Salinas Valley on the
5 Central Coast of California. The vineyard was located at the western foot of the mountainous
6 area known as Pinnacles National Monument. This is a sprawling area of unique rock
7 formations that is known as the habitat of the endangered condor. The park is known at least
8 regionally and is visited by approximately 200,000 people annually. Paul Masson and its
9 PINNACLES trademark were purchased by Vintners International in or about 1988, by
10 Franciscan winery in or about 1991, and acquired by Constellation Brands in the late 1990's
11 when it acquired Franciscan.

12 14. PINNACLES is an example of a traditional geographic brand name. The term
13 corresponded to a geographic feature that is adjacent to the vineyards from which the wine
14 would have been made, and its use would have given the wine a sense of place of origin. The
15 geographic nature of the term is reinforced by the use of the plural form (which reflects the name
16 of the National Monument) and not the singular form (which in common parlance would connote
17 the top or best of something.) The term "Pinnacles" would make little sense as a brand name for
18 a table wine absent the "story" of the geographic location of the vineyards.

19 15. In the United States, the labels for wines containing over 7% alcohol must be
20 approved by the United States Alcohol and Tobacco Tax and Trade Bureau ("TTB") (formerly
21 the United States Bureau of Alcohol, Tobacco and Firearms) in the United States Department of

22 //

23 //

1 the Treasury.³ The approval document is called a "Certificate of Label Approval" ("COLA").
2 The COLA records are maintained by TTB. There is an on-line searchable database for COLAs
3 that goes back to 1980. The database contains a field for the "Brand Name" (which corresponds
4 to the principal trademark on the label) and a field for the "Fanciful Name" (which corresponds
5 to secondary designations on the label such vineyard designations.) The data for these fields is
6 supplied by the applicant on the COLA form (boxes five and six). A wine label is required by
7 law to have a Brand Name; it is not required to have a Fanciful Name. The database contains
8 extracts for COLAs issued from 1980 – 1998, and extracts and copies of the actual COLAs
9 (which include an image of the label) from approximately 1999 forward.

10 16. I searched the TTB COLA database for both Brand Names and Fanciful Names
11 containing the term "Pinnacles" from 1980 forward. I observed the following:

12 a. I did not find any COLA for any label bearing the Brand Name
13 PINNACLES from 1980 – 1990 and March 1992 - present. The only COLAs bearing the Brand
14 Name PINNACLES were five COLAs issued from January 1991 – March 1992.

15 b. From September 15, 1992 – October 15, 1992, there were four COLAs
16 issued for a PINNACLES VINEYARD Brand Name. There were no other COLAs for a
17 PINNACLES VINEYARD Brand Name during the 1980 – present period.

18 c. There were no COLAs containing the term "Pinnacles" as either a Brand
19 Name or a Fanciful Name for the four year period from October 15, 1992 – June 4, 1996.

20 d. Between June 4, 1996 – May 23, 2002 there were twenty seven (27)
21 COLAs for an ESTANCIA PINNACLES Brand Name. The labels for these wines contain the

22
23 ³ The TTB was created by the Homeland Security Act, which moved the explosives,
24 firearms and criminal enforcement functions of ATF into the Department of Justice and which
left the tax and trade regulation functions of ATF in the Treasury Department,

1 composite mark ESTANCIA PINNACLES where the term "Pinnacles" is approximately 25%
2 of the size of the term "Estancia."⁴

3 e. There were no COLAs containing the term "Pinnacles" as either a Brand
4 Name or a Fanciful Name for the two year period between May 23, 2002 – May 13, 2004.

5 f. From May 13, 2004 – November 3, 2009, there were thirteen (13) COLAs
6 for labels where ESTANCIA was the Brand Name and PINNACLES RANCHES or
7 PINNACLES VINEYARD was the Fanciful Name. The terms "Pinnacles Ranches" and
8 "Pinnacles Vineyard" are about 25% of the size of the term ESTANCIA and appear at the
9 bottom of the label below ESTANCIA, the geographic indication, the vintage date and the wine
10 varietal type. The terms are clearly being used as geographic terms to identify the particular
11 vineyard or ranch where the grapes used to make the wine were grown.

12 g. There were two COLAs issued on August 4, 2005 for a wine with
13 ESTANCIA as the Brand Name and PINNACLES as the Fanciful Name. The term Pinnacles
14 appears below the term ESTANCIA but not in composite form and is about 25% of the size of
15 the term ESTANCIA. Both COLAs were for a 2004 Chardonnay.

16 17. The COLA history reflects that Paul Masson was not making any lawful use of a
17 PINNACLES trademark on wine at the time it was acquired by Vintners International in 1988,
18 and Vintners International was not making any lawful use of a PINNACLES trademark on wine

19 //

20 //

21
22
23 ⁴ Two of the COLAs listed "Estancia" as the Brand Name and "Pinnacles" as the Fanciful
24 Name but the labels are essentially the same as the other 25 labels.

1 at the time that the trademark registration was acquired by Franciscan in 1991.⁵ It appears that
2 Franciscan resumed use of a PINNACLES brand name for one vintage release and then changed
3 the brand name to PINNACLES VINEYARD for the next vintage release. Franciscan then
4 dropped that concept and resurrected "Pinnacles" four years later as part of the composite Brand
5 Name, ESTANCIA PINNACLES. Since March 1992, there have been no COLAs issued for a
6 PINNACLES Brand Name -- a period of almost eighteen (18) years. Since 1996 -- or for a
7 period of fourteen (14) years -- all uses of the term "Pinnacles" have been in conjunction with
8 the primary Brand Name ESTANCIA, either as part of the ESTANCIA PINNACLES composite
9 Brand Name (until 2005) or as the vineyard designations for the ESTANCIA Brand Name,
10 PINNACLES VINEYARD (until 2005) or as PINNACLES RANCHES (the present day label
11 use).

12 18. I also did a COLA search for ESTANCIA. The search disclosed approximately
13 five (5) times as many COLAs for ESTANCIA as for those containing the term "Pinnacles."

14 19. The COLA label history discloses that since 1996 -- or for a period of fourteen
15 (14) years -- the marketing emphasis for wines whose labels contain the term "Pinnacles" has
16 been on the brand name ESTANCIA.⁶ To the extent that "Pinnacles" has been used, it has been
17 used only in connection with ESTANCIA wine, only on a portion of wine bearing the
18 ESTANCIA label, only in composite form, and since 2004 only in a geographic sense.

20 _____
21 ⁵ In the Alcoholic Beverage Labeling Act of 1988, Congress required all domestic alcohol
22 beverage labels to contain a mandatory health warning by November 18, 1989. This required
23 producers to obtain new COLAs for their products that contained labels with the mandatory
health warning. It is therefore a certainty that a label containing PINNACLES was not legally
used between November 18, 1989 and around January 1991.

24 ⁶ According to the ESTANCIA web site, "Estancia" means "estate" in Spanish.

20. This conclusion is confirmed by the web site for ESTANCIA brand, www.estanciaestates.com. The web site discusses the ESTANCIA brand, and uses the term "Pinnacles" only in a geographic sense: (a) as the name of a vineyard, "Pinnacles Vineyard", and (b) as a collective term, "Pinnacles Ranches", to refer to Franciscan's vineyard holdings in the Salinas Valley of California. The map on the web site illustrates that these vineyards and ranches are in the vicinity of the Pinnacles National Monument, which is referred to as "The Pinnacles." The "Pinnacles Vineyard" appears to be located on the site of the old Paul Masson vineyard of the same name. There is no mention of a PINNACLES brand and no mention of an ESTANCIA PINNACLES brand. The ESTANCIA product line contains twelve (12) separate wine products but the "Pinnacles Ranches" vineyard designation appears to be used only in connection with three: Pinot Noir, Sauvignon Blanc, and Chardonnay.

21. Franciscan's marketing emphasis on the ESTANCIA brand is confirmed by the absence of the usual types of documents that would exist if "Pinnacles" was being used as a brand name. These include brand plans, COLAs, marketing programs, consumer research, trade materials, labels, a web site, and the like. My understanding is that these were requested in discovery but no such documents were produced. It is also confirmed by the absence of any reference to a PINNACLES brand in Constellation's 10-K Report or on its web site.

22. I have reviewed the marketing materials produced by Franciscan during discovery. They are all for the ESTANCIA brand. Most of them are trade materials that would not be seen by consumers, and to the extent that they are consumer materials (such as labels and neck hangers), the use of the term "Pinnacles" is consistent with that described above.⁷

⁷ None of the marketing materials appear to reflect marketing programs for "on premise", i.e. restaurant and bar, sales.

1 23. I understand that Franciscan claims it is using "Pinnacles" as a trademark on the
2 capsules for its ESTANCIA wines.

3 a. A capsule is the foil covering on the top of the bottle. Its purpose is functional: to
4 cover the cork and the space between the fill line and the bottom of the cork. Capsules are
5 typically made of a PVC or foil material.

6 b. None of the packages depicted on the ESTANCIA web site use bottles with term
7 "Pinnacles" on the capsule. The capsules depicted on the web site had a solid color and did not
8 contain any printed material.⁸

9 c. I found five types of ESTANCIA wine at the Raley's supermarket in Modesto,
10 California, located at the corner of Floyd Avenue and Roselle Avenue: Cabernet Sauvignon,
11 Chardonnay, Pinot Noir, Sauvignon Blanc and Zinfandel. Only two had any wording on the
12 capsules: (a) a 2008 ESTANCIA Chardonnay had "Pinnacles" printed at the bottom of a blue
13 capsule, and (b) a 2008 ESTANCIA Pinot Noir had "Pinnacles" printed at the bottom of a red
14 capsule.⁹

15 d. On both the Chardonnay and the Pinot Noir, the term "Pinnacles" appeared in a
16 faint gold color. The type was very small. The term "Pinnacles" could not be read while
17 standing at a normal distance from the shelf. The term "Pinnacles" on the capsule created no
18 shelf or consumer impression whatsoever. The primary brand name was unequivocally
19 ESTANCIA.

20 ⁸ I also looked at the Franciscan web site. This site is for the FRANCISCAN ESTATES
21 brand only and does not discuss the ESTANCIA brand.

22 ⁹ The Chardonnay and the Pinot Noir were located in separate areas of the wine section.
23 The Chardonnay was shelved with other Chardonnays. It had three facings and was located on
24 the second shelf from the bottom at roughly knee level. It was priced at \$12.99. The Pinot Noir
with shelved with the other Pinot Noirs. It had a single facing and was on the third shelf from
the bottom. It was priced at \$16.99.

1 e. The Chardonnay bottles contained a neck hanger offering \$1.00 off on “chips and
2 dip”.¹⁰ The neck hanger was branded with ESTANCIA. There was no mention of “Pinnacles.”
3 A copy of the front and back of the neck hanger is attached as Exhibit B to this Declaration.

4 24. The placing of branding on capsules is uncommon. When it is done, the capsules
5 reinforce and reflect the primary branding, logo, or message on the label. In this case, that
6 should have been ESTANCIA.

7 a. I know of no situation where any winery has put a brand name on the capsule, in
8 mouse-type or otherwise, that is different from the primary brand(s) on the label and I know of
9 no brand that has ever attempted to distinguish itself on the “Wall of Wine” by placing a brand
10 name solely on a capsule. (In fact, this probably would not be lawful under TTB labeling rules
11 because the brand name must be on the main label in proximity to other mandatory information.)

12 b. If the consumer cannot see the brand name at the point of purchase, then the
13 consumer cannot make purchasing decisions based on it. From a marketing standpoint, it would
14 make no sense to attempt to build a brand by putting it on a capsule in mouse-type where the
15 branding element could not be seen by the consumer at point of purchase because this does not
16 distinguish the bottle from those of others on the Wall of Wine. If a consumer knew of a
17 PINNACLES brand and came into the store to purchase it, the consumer would not be able to
18 find it because the brand name could not be seen. If Franciscan wanted to generate impulse
19 purchases of a PINNACLES brand, it would not have placed the brand name in a place where a
20 consumer would not see it and where it would not stand out on the Wall of Wine.

21
22
23 ¹⁰ A neck hanger, or “necker”, is a point of purchase piece that hangs on the neck of the
24 bottle (in the vicinity of the capsule). Some neck hangers are placed on the bottle by slipping the
neck of the bottle through a hole in the top of the piece. Others are tied on.

1 c. The only reason I can think of for placing the PINNACLES name on the capsule
2 would be to support a legal argument that the trademark was still in use. It makes no sense from
3 a marketing standpoint and is unlikely to sell a single additional bottle of ESTANCIA wine. In
4 short, consumers will be purchasing ESTANCIA wine and not PINNACLES wine.

5 25. I understand that Franciscan has claimed that all sales and promotional expenses
6 for its ESTANCIA wine also reflect sales and promotional expenses for the PINNACLES
7 trademark. Based on the COLA history and the ESTANCIA web site, that statement is not true.
8 As indicated above, at very best "Pinnacles" has only been used as a composite form mark on a
9 limited number of the wines in the ESTANCIA portfolio. I have not been asked to, nor have I
10 undertaken, an analysis to try to determine the exact sales and promotion history of wines
11 bearing these composite terms. I have seen no records of sales or promotion of a PINNACLES
12 wine.

13 26. Based on the foregoing, it is my opinion that Franciscan is not using a "Pinnacles"
14 simpliciter trademark in a bona fide way, if at all. The term has not been used as a stand-alone
15 brand name for eighteen (18) years. Since 2004, the term has been used in various composite
16 forms by Franciscan as a geographic term for some types of ESTANCIA wine to give the wine a
17 sense of place that is tied to the proximity of the vineyards to the Pinnacles National Monument.
18 There is no evidence of any promotion or marketing of a PINNACLES trademark for wine. As
19 such, it is reasonable to expect that consumers will take away from the three labels on which the
20 term is used (Chardonnay, Pinot Noir, Sauvignon Blanc) the message that the brand is
21 ESTANCIA and the grapes are grown on the Pinnacles Ranches and vineyard which are
22 contiguous to and named after the Pinnacles National Monument. I have no doubt based on what
23
24

1 I have observed and on my experience that this is the message Franciscan intends to
2 communicate to consumers.

3 27. I understand that the Trademark Trial and Appeal Board has held that Franciscan
4 has not abandoned the registered trademark PINNACLES. It is my further opinion, however,
5 that if the registered PINNACLES trademark has not been abandoned in a technical, legal sense,
6 it is nonetheless a very weak mark for the reasons discussed above. To the extent the term
7 "Pinnacles" has any degree of consumer recognition at all, it is as part of a composite mark with
8 a traditional geographic meaning and inextricably entwined with the ESTANCIA brand of wine.

9 28. My understanding is that PINNACLE vodka is an imported product that has
10 national distribution. It has been on the market for many years and sales have been substantial.
11 In California it is distributed by Southern Wine and Spirits, which also distributes ESTANCIA
12 wine.

13 29. Wine and vodka are typically sold in the same stores at retail. However, they are
14 not merchandized side-by-side. Vodka is merchandized in a section of the store with other
15 vodka and spirits; wines are merchandized in the section of the store with other wines and are
16 typically merchandized by varietal type and/or country of origin. Thus, for example,
17 ESTANCIA Chardonnay would be merchandized with other Chardonnays, typically those from
18 California

19 30. I understand that the Senior Vice President and General Counsel of Franciscan,
20 who also has a similar title for Constellation, stated in a sworn Declaration filed in Federal
21 District Court that Franciscan "never will make any demands on [White Rock] to cease and
22 desist from its current use of the Pinnacle trademark," despite having known about White Rock's
23 use PINNACLE on vodka for many years. Implicit in this statement is the assumption that
24

1 consumer confusion is unlikely; otherwise, a company with the resources of Constellation would
2 not have hesitated to protect its franchise and its the loyal consumers from consumer confusion.

3 31. I agree with this conclusion. Given the weakness and questionable validity of the
4 PINNACLES trademark, its obvious geographic connotation, and the use and promotion of it as
5 a composite mark with the brand name ESTANCIA, and the different way the two products are
6 merchandized, consumers are unlikely to look at a bottle of PINNACLE vodka and think of
7 ESTANCIA wine or the Pinnacles Ranches where the grapes for that wine are grown. They are
8 also unlikely to wonder whether the owner of the Pinnacles Ranches near the Pinnacles National
9 Monument who also makes ESTANCIA wine is in the vodka business. Given the large sales
10 volume of PINNACLE vodka over the years there would have been ample opportunities for such
11 consumer confusion, yet I understand that none has occurred. I can therefore conclude with
12 confidence that Franciscan's marketing programs for ESTANCIA have been successful in
13 educating consumers about the geographic significance of the PINNACLES RANCHES and
14 their inextricable relationship to the ESTANCIA brand.

15 32. I understand that discovery has not been completed as of the date of this
16 Declaration and that I may be asked to supplement this Declaration once discovery is completed.

17 **QUALIFICATIONS**

18 33. I received a Bachelor of Arts Degree in political science and speech
19 communication, with a minor in theology, from George Washington University in Washington,
20 D.C. with highest honors, Phi Beta Kappa, in 1977. I received a J.D. degree from George
21 Washington University, with high honors and Order of the Coif, in 1980. I was a member of the
22 George Washington University Law Review.

PAUL W. REIDL

1 34. While I was in law school I was on the faculty of the Columbian College of Arts
2 and Sciences of George Washington University. Over the years I also worked as a Law
3 Clerk/Summer Associate at three firms in Washington, D.C.: Connor, Moore & Corber; Rose,
4 Schmidt, Dixon, Hasley, Whyte and Hardesty; and Crowell & Morning.

5 35. From 1980 through 1990, I was with the firm of Crowell & Moring in
6 Washington, D.C. My practice focused on business counseling and litigation in the business law
7 area, primarily antitrust, contracts, and natural resources law. I worked on several intellectual
8 property cases during that period.

9 36. From February 1991 – January 2009 I was Associate General Counsel of E. & J.
10 Gallo Winery (“Gallo”) in Modesto, California. Gallo is the second largest wine producing and
11 marketing company in the world. I represented Gallo in a variety of matters, primarily litigation,
12 global intellectual property (patent, trademarks, copyright, and advertising) and international. I
13 was responsible for Gallo’s global trademark protection program.

14 37. From February 2009 to the present I have been the principal attorney in the Law
15 Office of Paul W. Reidl. I provide a full range of legal and consulting services to clients in
16 various sectors, including the wine industry.

17 38. During most of my eighteen (18) years at Gallo, I was responsible for all of the
18 intellectual property aspects of branding, labeling and packaging. I worked closely with the co-
19 founder of Gallo, the Marketing Department, and the various Business Units on brand
20 development and strategy. I reviewed thousands of prospective brand names, prosecuted
21 hundreds of trademark applications, litigated oppositions and cancellation proceedings, litigated
22 Federal Court cases, prosecuted UDRP actions, and participated in attended numerous
23 brand/packaging/program development and strategy meetings and conference calls. Among
24

1 other things, in connection with these activities I read extensively in the wine area, frequently
2 visited retail outlets where wines were sold, performed numerous COLA and TESS searches, and
3 reviewed brand plans, consumer research, promotional materials, and the like.

4 39. My business requires me to stay abreast of the wine market, market trends,
5 marketing, and other aspects of the business. I must also stay abreast of trends in consumer
6 behavior and taste, the retail environment, and marketing and promotional techniques generally.

7 40. I have written and spoken on various issues and written numerous articles on
8 trademark law and other subjects. These include:

- 9 • Geographic Indication Registration Systems for Wines, AIDV Annual Meeting
10 (Trier, Germany, 2009);
- 11 • Market Evolution and Brand Collision, INTA Annual Meeting (2009);
- 12 • Contributing author to FAB JOB GUIDE TO BECOMING A WINERY OWNER (B.
13 Pearce, ed.)(2009);
- 14 • Trademark Dilution (University of Southern California I.P. Law Institute, 2008);
- 15 • Trade Practices and Intellectual Property, Chapter 9 in POINT OF PURCHASE
16 ADVERTISING (Point of Purchase Advertising Int'l)(2008.)
- 17 • Careers in Trademark Law, INTA Young Practitioners Forum (San Francisco,
18 2007);
- 19 • The Survey Blues, INTA Annual Meeting (2007);
- 20 • Geographic Indications, Trademarks, and International Issues, Guest Lecturer,
21 Seminar on Advanced Trademark Law, The George Washington University Dean
22 Dinwoodey Center for Intellectual Property Studies (2007, 2008);

PAUL W. REIDL

- The Trademark Dilution Revision Act of 2006, The George Washington University Dean Dinwoodey Center for Intellectual Property Studies (2006);
- Global Trademark Programs: What You Should Know, INTA Roundtable Forum, (Beijing, China, 2006);
- Strategic Considerations in Global Trademark Registration and Enforcement Programs, INTA China Forum (Hangzhou, China, 2006);
- Maximizing Portfolio Value Through Licensing and Franchising, INTA China Forum (Hangzhou, China, 2006);
- Living in the Age of the Lightning Brand, President's Address, INTA Annual Meeting (2006);
- In Vino Veritas: Ruminations on the Labeling of Wines, INTA Annual Meeting (2005);
- Strategic Considerations in Cross-Border Litigation, INTA Leadership Meeting (2003);
- Geographic Indications and Wine Trademarks, INTA Bulletin (September 2003.)
- On Treaties, 93 TRADEMARK REPORTER 99 (2003);
- Creating and Managing an International Trademark Portfolio, Intellectual Property Law for Corporate Counsel (Northstar 2003);
- USPTO Class 33 Training Session (Arlington, VA, 2002);
- New Member Orientation; How to Survive the Annual Meeting, INTA Annual Meeting (2002);
- Beer and Wine Advertising and Promotion ... Why It's not all "Fun and Games," INTA Annual Meeting (2000);

- Beyond the Vineyard: Miscellanea That Will Amaze Your Friends and Confound Your Colleagues, INTA Trademark and Paralegal Forum (San Francisco, 1999);
- Creating and Managing a Global Trademark Portfolio, Practicing Law Institute Understanding Basic Trademark Law Program (San Francisco, 1999 – 2009);
- The Use of Survey Evidence in Dilution Cases: Corporate Counsel Challenges, INTA Dilution and Famous Marks Forum (Washington, D.C. 1998);
- Keys to an Effective Trademark Enforcement Program, 20th Annual Intellectual Property Law Institute, State Bar of California (Monterrey, 1995);
- Co-Author (with J. MacLeod, R. McMillan), Coal Supply Contracts, Chapter 23 in ENERGY LAW (Matthew Bender, 1990);
- Author (and co-author with T. Biddle) of five Chapters in Mine Safety and Health Law, 1 COAL LAW AND REGULATION (Matthew Bender, 1983);
- Note, 48 G.W.U. L. REV. 791 (1980)(discussing constitutional limitations on the assessment of license fees by federal agencies).

41. Beginning in 1994 I served on various committees and held various leadership positions in the International Trademark Association, which is the global association of trademark owners and professionals. I was the President and Chairman of the Board of that association in 2006. During that year I travelled extensively in furtherance of the association's public policy objectives, including meeting with government officials in New York, Brussels, Toronto, San Francisco, Washington, D.C., Alexandria, VA, and Beijing and Hangzhou, China. I was a member of the Task Force that drafted the Trademark Dilution Revision Act of 2006 and worked on securing it passage. I was also named one of the fifty (50) most influential people in global intellectual property by Managing Intellectual Property magazine.

1 42. I am a member of the State Bar of California, an inactive member of the District
2 of Columbia bar, the bars of various Federal courts, and the Intellectual Property Law section of
3 the State Bar of California. I am also a member of Le Association International des Juristes du
4 Droit de la Vigne et du Vin (AIDV)(International Wine Law Association).

5 43. I have given deposition testimony in three Federal Court cases: Kendall-Jackson
6 Winery v. E. & J. Gallo Winery, No. C-96-1198-VRW (N.D. CA), E. & J. Gallo Winery v.
7 Cantine Rallo, S.p.A., No. 1:04-cv-5153 OWW DLB (E.D. CA) and E. & J. Gallo Winery v.
8 Mira Enterprises, Inc., CV 07-8102 ODW FFMx) (C.D. CA).

9 COMPENSATION

10 44. My fees for this engagement consist of billable hours and expenses. My hourly
11 billing rate is \$500.

12 I make this Declaration having been advised of the penalties for perjury on this 10th day
13 of February 2010, in Modesto, California.

14 

15 _____
16 Paul W. Reidl

EXHIBIT A

Documents produced by Opposer in response to a request for promotional materials for PINNACLES wine

Documents produced by Applicant in response to a request for promotional materials for PINNACLE vodka

www.estanciaestates.com

www.cwbrands.com

<https://www.ttbonline.gov/colasonline/publicSearchColasBasic.do>

<http://www.uspto.gov/trademarks/index.jsp>

USPTO file wrapper for SN 78/166,136

Pleadings file for Opposition no. 91185984

Pleadings file for *White Rock Distilleries, Inc. v. Franciscan Vineyards, Inc.*, No. CV 09-5478 (N.D.CA)

USPTO file wrapper for SN 73/006,890

USPTO file wrapper for SN 73/813,935

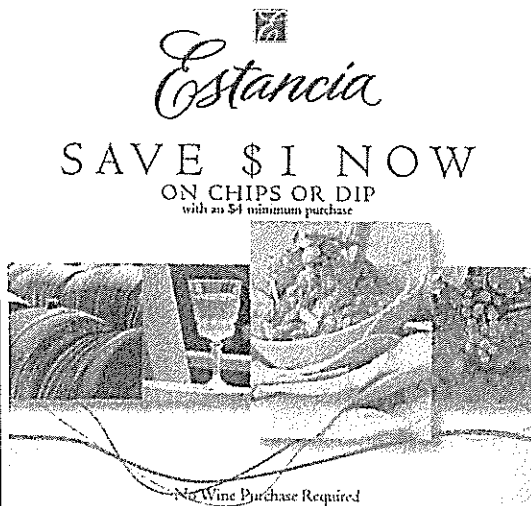
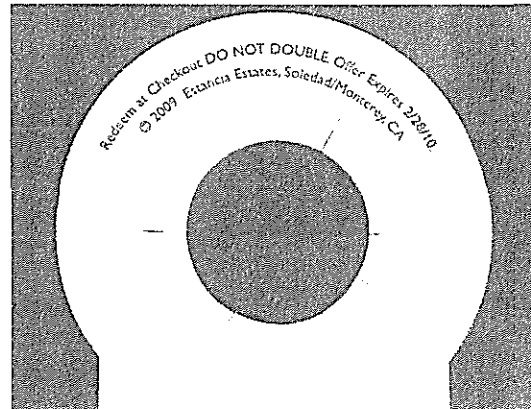
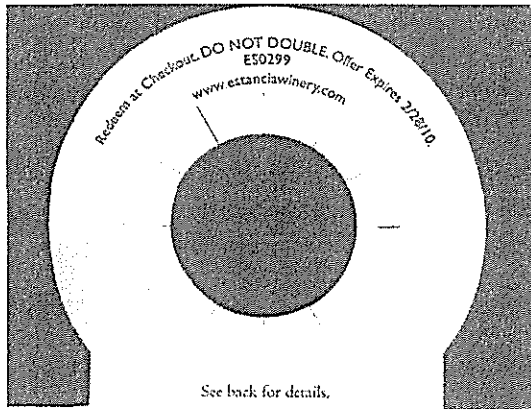
www.franciscan.com

Regional Oral History Office University of California, The Bancroft Library Berkeley, California, The Wine Spectator California Winemen Oral History Series, Morris Katz, PAUL MASSON WINERY OPERATIONS AND MANAGEMENT, 1944-1988

Constellation Wines 2009 Annual Report

EXHIBIT B

NECKER FOUND ON ESTANCIA CHARDONNAY IN THE RALEY'S
SUPERMARKET IN MODESTO, CALIFORNIA



Save \$1 NOW on Chips or Dip.

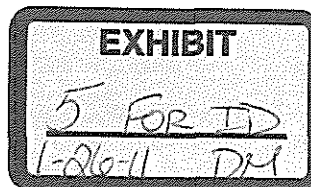
CONSUMER: To redeem, present this coupon at checkout to receive a \$1 savings on the purchase of any chips or dip with a \$4 minimum purchase. No wine purchase necessary. This coupon is not valid for employees, officers, and directors of Estancia and affiliated companies, licensed alcoholic beverage retailers and wholesalers, or other alcoholic beverages licensees, or families and households of the foregoing. Offer valid only for U.S. residents of legal drinking age. Void where prohibited. Not to be doubled. One coupon per purchase. **RETAILER:** This coupon will be redeemed for face value indicated plus \$.08 handling if you receive it on the sale of product indicated and if submitted in compliance with CWUS' Coupon Redemption Policy. Coupon may not be assigned or transferred. Invoicing proving purchase of stock to cover coupons must be submitted upon request. Void where prohibited, taxed, or restricted by law. To redeem, **SEND TO:** CWUS Promotional Services, P.O. Box 880181, El Paso, TX 88588-0181. Coupon expires 2/28/10. Cash value 1/100¢. Coupon must be received within 120 days from the expiration date.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IN THE MATTER OF APPLICATION

Mark: PINNACLES RANCHES
Applicant: Franciscan Vineyards, Inc.
Serial No.: 77/598,674
Published in
the Official Gazette: March 17, 2009



WHITE ROCK DISTILLERIES, INC.,)

)
Opposer,)

)
v.)

) Opposition No. 91191056
)

FRANCISCAN VINEYARDS, INC.,)

)
Applicant.)
)

RULE 26 DISCLOSURE STATEMENT AND
DECLARATION OF PAUL W. REIDL

I, Paul W. Reidl, declare as follows:

INTRODUCTION

1. My name is Paul W. Reidl. I am the principal attorney in the Law Office of Paul W. Reidl, located at 3300 Wycliffe Drive, Modesto, California, 95355. My professional experience is further summarized in paragraphs 37 – 47 of this Declaration.

2. I have been retained in this case by counsel for the Opposer, White Rock Distilleries, Inc. ("White Rock"), as a witness on issues relating to Applicant's use of a PINNACLES RANCHES designation for wine in the United States and other alcohol beverage labeling and marketing-related issues. Counsel for White Rock has provided me with, and I have

1 reviewed, the documents and discovery referenced in Exhibit A. I have also reviewed the
2 materials and references in Exhibit A.

3 3. My opinions flow from the documents provided to me by counsel for White Rock,
4 my own research, and my own knowledge and experience in the labeling, marketing and sales of
5 alcohol beverages in the United States.

6 **OPINIONS**

7 **Wine Labeling Conventions in the United States**

8 4. Domestically produced table wines are sold at retail in the United States as
9 branded products. Wine producers and marketers devote a substantial amount of time and care
10 to the selection of brands, the design of labels and packaging, and the promotion of those brands
11 at retail and on-line. This is particularly true for the larger wine producing and marketing
12 companies.

13 5. Applicant, Franciscan Vineyards, Inc., was acquired in 1999 by Canandaigua
14 Brands, Inc. in New York. Canandaigua has since changed its name to Constellation Brands.
15 Constellation is a multi-billion dollar company that is the largest producer and marketer of table
16 wines in the world. Its portfolio includes domestic table wine brands such as ROBERT
17 MONDAVI, CLOS DU BOIS, ESTANCIA, RAVENSWOOD, FRANCISCAN ESTATES,
18 SIMI and WOODBRIDGE, among others.

19 6. In the United States, there are two traditional types of brand names for wines:
20 geographic terms and personal names. Both types of traditional brand names are used for the
21 same basic purpose, namely, to impart a sense of uniqueness to the wine in the bottle.

22 a. Developing this sense of uniqueness provides a platform for wine marketers to
23 differentiate their wines from those of competitors. Differentiation is important because there
24

1 are thousands of wine brands sold at retail in the United States. While there are no precise
2 figures readily available, there are over 6,000 wineries in the United States alone, and a search of
3 the TESS database for wines in Class 33 yields over 23,000 records. Few categories of
4 consumer products present so many options to consumers on a daily basis.

5 b. Differentiation is also important because it helps the wine brand break into
6 consumer consciousness at the point of purchase. This is particularly necessary in the retail
7 context where the consumer can face hundreds of different brands on the retail shelf in what has
8 become known as the "Wall of Wine." It is important to the success of a wine that the
9 packaging, brand name, logo and story be sufficiently impactful to get the consumer's attention
10 at the point of purchase. In general, the objective is to get the consumer either to recognize the
11 brand (from some previous stimulus such as an advertisement, article, prior purchase, or
12 recommendation) or to be interested in it on impulse, and to have the consumer select the bottle
13 and put it into their shopping cart.

14 7. Geographic brand names are a "New World" adaptation of the European
15 geographic indication system. For centuries, the most prominent feature on the label of
16 European wines was the name of the geographic area in which the grapes were grown and the
17 wine was made. This system has various names in various countries, such as Appellation
18 d'origine Contrôlée (France), the Indicazione Geografica Tipica (Italy) and Denominazione di
19 Origine Controllata (Italy). The administrative bodies for these regions establish rules and
20 regulations for grape growing and wine making, with one intended result being that the wines
21 from the region should have many of the same flavor characteristics. The geographic indication
22 system also functions as a symbol of quality and trust. The premise of the geographic indication
23
24

1 system is the belief that the “terroir”, i.e., the climate, soil and topography of the growing area,
2 plays a dominant role in determining the flavor characteristics of the wine.

3 8. The wine industry and culture in the United States is relatively new compared to
4 the European tradition.¹ It did not get started in earnest until the end of Prohibition in December
5 1933; the premium table wine business did not begin to develop until the 1970’s. As the wine
6 industry in the United States was in its infancy, wine marketers and wine makers understood the
7 importance of “terroir” but did not have the European tradition of designated growing areas or
8 the regulatory regime to lend legitimacy to the geographic area. Thus, they developed their own
9 labeling nomenclature that featured the names of the wine makers (e.g., ROBERT MONDAVI,
10 GALLO, PAUL MASSON, CARLO ROSSI, TAYLOR) or a geographic term (e.g.
11 CALIFORNIA CELLARS, TAYLOR NEW YORK CELLARS, CORBETT CANYON, NAPA
12 RIDGE).

13 9. The use of geographic and personal names in the wine business allowed vintners
14 to create their own “story” about the quality of their wines. In the case of brand names featuring
15 winemakers, the wine marketer could use the brand name as a springboard for a discussion of the
16 winemaker’s passion, experience, care, and quality. (For example, the famous PAUL MASSON
17 tag wine “we will sell no wine before its time” was credible because there was an individual
18 named “Paul Masson” making that promise.) Similarly, the use of geographic terms gave wine
19 marketers the opportunity to talk about the “terroir” even though the geographic area was not a
20 formally designated geographic indication and supported with the quality assurance criteria of
21
22

23 ¹ Hence, wines originating in Europe are sometimes referred to as “Old World Wines” and
24 wines originating in the United States (and other countries) are sometimes referred to as “New
World Wines.”

1 the European regulatory regime. Using a geographic brand name offered consumers a sense of a
2 place of origin for the wine.

3 10. Both wine labeling conventions continue to be used widely in the United States
4 even though there is now an established geographic indication system (called "American
5 Viticultural Areas.") Non-traditional, fanciful names and symbols have also been used in recent
6 years (e.g. YELLOWTAIL) but even here there may be some grounding in terroir. (The
7 YELLOWTAIL wine package features the design of a yellow kangaroo which tells the consumer
8 that the wine originates in Australia). In any case, the brand name serves as a starting point for
9 the "story" about the brand which is, in turn, the focal point of the marketing efforts for it. The
10 "story" is particularly important because it helps to differentiate the wine from those of
11 competitors and, in the case of larger producers like Constellation, from the multiple brands in
12 the producer's portfolio. The "story" positions the brand and tells consumers why they should be
13 interested in buying it.

14 11. Focusing on terroir in wine labeling and marketing is an inherent characteristic of
15 the business because wine is an agricultural product made from fermented grapes. The wine
16 tradition and culture -- whether in the Old World or the New World -- is of vineyards, soil,
17 geography, seasons and climate. The winemaker can only work with the grapes that the terroir
18 provides. For this reason, for all types of table wine brands (geographic, personal names,
19 fanciful) most winery web sites and labels talk about the land and the climate in which the grapes
20 were grown.²

21 12. The emphasis on terroir is also carried forward into wine labels. The terms
22 "Vineyards" and "Ranches" are commonly added to the place name or the personal name to

23 ² One exception to this might be value priced, semi-generic wines that are sold in larger
24 containers, e.g., 1.5, 3 or 5 liters.

1 further ground the wine in a specific geographic location. In short, wine marketing has over the
2 years conditioned consumers to associate brands with a geographic place, a person, or both. This
3 is important to establishing the legitimacy of the brand and differentiating it from the
4 competition and the other brands within the vintner's portfolio.

5 **"The Pinnacles" is a Prominent Geographic Location in California**

6 13. "The Pinnacles" is the name of a portion of the Gabilan Mountains near the
7 Central California coast that is defined by the monoliths, spires, and crags remaining from an
8 ancient volcano. A photograph illustrating the type of formations found in the area is attached as
9 Exhibit B to this Declaration. The vineyards and ranches of the Salinas Valley of California are
10 located immediately to the west of The Pinnacles formation. The Gabilan Mountains, including
11 the Pinnacles formation, form a barrier that traps fog and cooler air from the Pacific Ocean in the
12 Salinas Valley and that blocks them from moving further inland. The fog and cooler air
13 contribute to the unique growing conditions found in this area. This geographic feature is
14 illustrated by the map in Exhibit C to this Declaration, which is used by Franciscan to promote
15 their ESTANCIA wines.

16 14. "The Pinnacles" formation has been a well-known and important geographic
17 location for over 100 years. In 1908, both the Pinnacles formation and the Grand Canyon were
18 designated as among the first National Monuments in the United States. The Pinnacles National
19 Monument now covers approximately 26,000 acres (or about 40 square miles). (This is
20 approximately 60% of the size of the District of Columbia.) The park offers visitors hiking,
21 picnicking, vistas, the geologic formations, caving, rock climbing, camping, and wildlife
22 viewing. The Pinnacles is also the habitat of the endangered California condor. Much of The
23 Pinnacles has been designed as a wilderness area. I have hiked in Pinnacles National Monument.

1 15. The Pinnacles National Monument is one of the closest wilderness areas to the
2 major population centers of Northern and Central California: San Francisco, Oakland, San Jose
3 and Silicon Valley, Fresno, the Central Valley cities (Stockton, Modesto, Merced), and the
4 coastal cities of Santa Cruz, Salinas and Monterey. The park is approximately 80 miles from the
5 Bay Area via Highway 101, about 40 miles from the Pacific Ocean, and about two and a half
6 (2 ½) hours from Fresno. The park is visited by approximately 200,000 people each year.

7 **The Use of "Pinnacles" on Wine Labels as a Geographic Designation**

8 16. In the early 1970's, Paul Masson Winery purchased land in the Salinas Valley
9 immediately to the west of Pinnacles National Monument. They planted vineyards and adopted
10 a PINNACLES trademark for the wine made from grapes grown in those vineyards. Paul
11 Masson and its PINNACLES trademark were purchased by Vintners International in or about
12 1988, by Franciscan winery in or about 1991, and acquired by Constellation Brands in the late
13 1990's when it acquired Franciscan.

14 17. PINNACLES is an example of a traditional geographic brand name for wine. The
15 term corresponds to a prominent geographic feature that is adjacent to the vineyards from which
16 the wine would have been made, and its use would have given the wine a sense of place of
17 origin. The geographic nature of the term is reinforced by the use of the plural form (which is
18 identical to the name of the rock formations and the prominent National Monument) and not the
19 singular form (which in common parlance would connote the top or best of something.) The
20 term "Pinnacles" would make little sense as a brand name for a table wine absent the "story" of
21 the geographic location of the vineyards and how The Pinnacles formation contributes to the
22 uniqueness of the grapes by keeping the fog and cool air from the Pacific Ocean in the Salinas
23 Valley.

1 18. As explained in paragraphs 23-27 of this Declaration, Franciscan has over the
2 years occasionally used Pinnacles-formative designations for wine made from grapes grown
3 from the original Paul Masson vineyard and adjacent parcels. Franciscan's ESTANCIA web
4 site, the marketing materials and the deposition testimony reflect that the Pinnacles designation
5 has been used to communicate a sense of geographic place, origin and authenticity to consumers
6 of wine made from grapes grown near The Pinnacles formation and the National Monument.

7 19. The term PINNACLES RANCHES (with the "Ranches" disclaimed) is merely a
8 geographic term used by Franciscan on its ESTANCIA wines. In context, it means "the ranches
9 near The Pinnacles." For the reasons discussed in paragraph 17 of this Declaration, there is no
10 reason to use this designation in connection with the wine *except* for its ability to communicate
11 to consumers the geographic location where the grapes were grown, i.e., the "ranches" (or
12 "vineyards") at the foot of The Pinnacles formation and National Monument, which play an
13 important role in developing the flavor of the grapes by keeping the fog and cool air from the
14 Pacific Ocean in the Salinas Valley. This is depicted clearly in the maps attached as Exhibits C
15 and D to this Declaration.

16 20. The term "PINNACHES RANCHES" is used by Franciscan as a "vineyard
17 designation." Such terms reflect the name of a vineyard, and when used on a label in
18 conjunction with the primary brand (in this case ESTANCIA), they add authenticity to the wine
19 by grounding it in a specific geographic place. Wines with a vineyard designation typically
20 command a higher price because they are perceived by consumers as reflecting the unique
21 geological and climatological characteristics of the particular geographic location.

22 21. Not all vineyard designations are primarily geographic terms; many vineyard
23 names are truly fanciful and do not relate to a geographic location at all. For example, Robert
24

1 Mondavi Winery (which is owned by Constellation and located in Napa Valley), has used the
2 following fanciful vineyard names: Vine Hill Ranch, Marjorie's Vineyard, and To Kalon
3 Vineyard. Franciscan itself uses non-geographic vineyard names in connection with some of its
4 ESTANCIA wines, like Stonewall Vineyard. But with PINNACLES RANCHES, there is and
5 can be only one reason for using it, and that is to associate the wines with the geographic area
6 known as The Pinnacles located in Pinnacles National Monument.

7 **The Designation "PINNACLES RANCHES" Has Not Acquired Trademark Significance**

8 22. In the United States, the labels for wines containing over 7% alcohol must be
9 approved by the United States Alcohol and Tobacco Tax and Trade Bureau ("TTB") (formerly
10 the United States Bureau of Alcohol, Tobacco and Firearms) in the United States Department of
11 the Treasury.³ The approval document is called a "Certificate of Label Approval" ("COLA").
12 The COLA records are maintained by TTB. There is an on-line searchable database for COLAs
13 that goes back to 1980. The database contains a field for the "Brand Name" (which corresponds
14 to the principal trademark on the label) and a field for the "Fanciful Name" (which corresponds
15 to secondary designations on the label such vineyard designations.) The data for these fields is
16 supplied by the applicant on the COLA form (boxes five and six). A wine label is required by
17 law to have a Brand Name; it is not required to have a Fanciful Name. The database contains
18 extracts for COLAs issued from 1980 – 1998, and extracts and copies of the actual COLAs
19 (which include an image of the label) from approximately 1999 forward.

20
21
22
23 ³ The TTB was created by the Homeland Security Act, which moved the explosives,
24 firearms and criminal enforcement functions of ATF into the Department of Justice and which
left the tax and trade regulation functions of ATF in the Treasury Department,

• The Designation “Pinnacles” is at Best a Weak Geographic Term

23. I searched the TTB COLA database for both Brand Names and Fanciful Names containing the term “Pinnacles” from 1980 forward. I observed the following:

a. I did not find any COLA for any label bearing the Brand Name PINNACLES from 1980 – 1990 and March 1992 - present. The only COLAs bearing the Brand Name PINNACLES were five COLAs issued from January 1991 – March 1992.

b. From September 15, 1992 – October 15, 1992, there were four COLAs issued for a PINNACLES VINEYARD Brand Name. There were no other COLAs for a PINNACLES VINEYARD Brand Name during the 1980 – present period.

c. There were no COLAs containing the term “Pinnacles” as either a Brand Name or a Fanciful Name for the four year period from October 15, 1992 – June 4, 1996.

d. Between June 4, 1996 – May 23, 2002 there were twenty seven (27) COLAs for an ESTANCIA PINNACLES Brand Name. The labels for these wines contain the composite mark ESTANCIA PINNACLES where the term “Pinnacles” is approximately 25% of the size of the term “Estancia.”⁴

e. There were no COLAs containing the term “Pinnacles” as either a Brand Name or a Fanciful Name for the two year period between May 23, 2002 – May 13, 2004.

f. From May 13, 2004 – June 30, 2010, there were fifteen (15) COLAs for labels where ESTANCIA was the Brand Name and PINNACLES RANCHES or PINNACLES VINEYARD was the Fanciful Name. The terms “Pinnacles Ranches” and “Pinnacles Vineyard” are about 25% of the size of the term ESTANCIA and appear at the bottom of the

⁴ Two of the COLAs listed “Estancia” as the Brand Name and “Pinnacles” as the Fanciful Name but the labels are essentially the same as the other 25 labels.

1 label below ESTANCIA, the geographic indication, the vintage date and the wine varietal type.
2 The terms are clearly being used as geographic terms to identify the particular vineyard or ranch
3 where the grapes used to make the wine were grown. This is illustrated by the map included on
4 the back of the label that is found in Exhibit D to this Declaration.

5 g. There were two COLAs issued on August 4, 2005 for a wine with
6 ESTANCIA as the Brand Name and PINNACLES as the Fanciful Name. The term Pinnacles
7 appears below the term ESTANCIA but not in composite form and is about 25% of the size of
8 the term ESTANCIA. Both COLAs were for a 2004 Chardonnay.

9 24. The COLA history reflects that Paul Masson was not making any lawful use of a
10 PINNACLES trademark on wine at the time it was acquired by Vintners International in 1988,
11 and Vintners International was not making any lawful use of a PINNACLES trademark on wine
12 at the time that the trademark registration was acquired by Franciscan in 1991.⁵ It appears that
13 Franciscan resumed use of a PINNACLES brand name for one vintage release and then changed
14 the brand name to PINNACLES VINEYARD for the next vintage release. Franciscan then
15 dropped that concept and resurrected "Pinnacles" four years later as part of the composite Brand
16 Name, ESTANCIA PINNACLES. Since March 1992, there have been no COLAs issued for a
17 PINNACLES Brand Name -- a period of almost eighteen (18) years. Since 1996 -- or for a
18 period of fourteen (14) years -- all uses of the term "Pinnacles" have been in conjunction with
19 the primary Brand Name ESTANCIA, either as part of the ESTANCIA PINNACLES composite

21 ⁵ In the Alcoholic Beverage Labeling Act of 1988, Congress required all domestic alcohol
22 beverage labels to contain a mandatory health warning by November 18, 1989. This required
23 producers to obtain new COLAs for their products that contained labels with the mandatory
24 health warning. It is therefore a certainty that a label containing PINNACLES was not legally
25 used between November 18, 1989 and around January 1991.

1 Brand Name (until 2005) or as the vineyard designations for the ESTANCIA Brand Name,
2 PINNACLES VINEYARD (until 2005) or as PINNACLES RANCHES (the present day use).

3 25. I also did a COLA search for ESTANCIA. The search disclosed approximately
4 five (5) times as many COLAs for ESTANCIA as for those containing the term "Pinnacles."

5 26. The COLA label history discloses that since 1996 – or for a period of fourteen
6 (14) years -- the marketing emphasis for wines whose labels contain the term "Pinnacles" has
7 been on the brand name ESTANCIA.⁶ To the extent that "Pinnacles" has been used, it has been
8 used only in connection with ESTANCIA wine, only on a portion of wine bearing the
9 ESTANCIA label, only in composite form, and since 2004 only in a geographic sense.

10 27. This conclusion is confirmed by the web site for the ESTANCIA brand,
11 www.estanciaestates.com. The web site discusses the ESTANCIA brand, and uses the term
12 "Pinnacles" only in a geographic sense: (a) as the name of a vineyard, "Pinnacles Vineyard", and
13 (b) as a collective term, "Pinnacles Ranches", to refer to some of Franciscan's vineyard holdings
14 in the Salinas Valley of California. The maps attached as Exhibits C and D to this Declaration
15 illustrate that these vineyards and ranches are in the vicinity of the Pinnacles National
16 Monument, which is referred to as "Pinnacles Monument" on Exhibit C. The "Pinnacles
17 Vineyard/Pinnacles Ranches" appears to be located on the site of the old Paul Masson vineyard
18 of the same name. There is no mention of a PINNACLES brand and no mention of an
19 ESTANCIA PINNACLES brand on the web site. The ESTANCIA product line contains twelve
20 (12) separate wine products but the "Pinnacles Ranches" vineyard designation appears to be used
21 only in connection with three: Pinot Noir, Sauvignon Blanc, and Chardonnay.

22
23
24 ⁶ According to the ESTANCIA web site, "Estancia" means "estate" in Spanish.

1 28. Franciscan's marketing emphasis on the ESTANCIA brand is confirmed by the
2 absence of the usual types of documents that would exist if "Pinnacles" or "Pinnacles Ranches"
3 was being used as a brand name. These include brand plans, COLAs, marketing programs,
4 consumer research, trade materials, labels, a web site, and the like. My understanding is that
5 these were requested in discovery but no such documents were produced. It is also confirmed by
6 the absence of any reference to a PINNACLES or PINNACLES RANCHES brand in
7 Constellation's 10-K Report or on its web site.

8 29. I have reviewed the marketing materials produced by Franciscan during
9 discovery. They are all for the ESTANCIA brand. Most of them are trade materials that would
10 not be seen by consumers, and to the extent that they are consumer materials (such as labels and
11 neck hangers), the use of the term "Pinnacles" is consistent with that described above.⁷

12 30. I understand that Franciscan claims it is using "Pinnacles" as a trademark on the
13 capsules for its ESTANCIA wines.

14 a. A capsule is the foil covering on the top of the bottle. Its purpose is functional: to
15 cover the cork and the space between the fill line and the bottom of the cork. Capsules are
16 typically made of a PVC or foil material.

17 b. None of the packages depicted on the ESTANCIA web site use bottles with term
18 "Pinnacles" on the capsule. The capsules depicted on the web site had a solid color and did not
19 contain any printed material.⁸

21 ⁷ None of the marketing materials appear to reflect marketing programs for "on premise",
22 i.e. restaurant and bar, sales.

23 ⁸ I also looked at the Franciscan web site. This site is for the FRANCISCAN ESTATES
24 brand only and does not discuss the ESTANCIA brand.

1 c. I found five types of ESTANCIA wine at the Raley's supermarket in Modesto,
2 California, located at the corner of Floyd Avenue and Roselle Avenue: Cabernet Sauvignon,
3 Chardonnay, Pinot Noir, Sauvignon Blanc and Zinfandel. Only two had any wording on the
4 capsules: (a) a 2008 ESTANCIA Chardonnay had "Pinnacles" printed at the bottom of a blue
5 capsule, and (b) a 2008 ESTANCIA Pinot Noir had "Pinnacles" printed at the bottom of a red
6 capsule.⁹

7 d. On both the Chardonnay and the Pinot Noir, the term "Pinnacles" appeared in a
8 faint gold color. The type was very small. The term "Pinnacles" could not be read while
9 standing at a normal distance from the shelf. The term "Pinnacles" on the capsule created no
10 shelf or consumer impression whatsoever. The primary brand name was unequivocally
11 ESTANCIA.

12 e. The Chardonnay bottles contained a neck hanger offering \$1.00 off on "chips and
13 dip".¹⁰ The neck hanger was branded with ESTANCIA. There was no mention of "Pinnacles."

14 31. The placing of branding on capsules is uncommon. When it is done, the capsules
15 reinforce and reflect the primary branding, logo, or message on the label. In this case, that
16 should have been ESTANCIA.

17 a. I know of no situation where any winery has put a brand name on the capsule, in
18 mouse-type or otherwise, that is different from the primary brand(s) on the label and I know of
19

20 ⁹ The Chardonnay and the Pinot Noir were located in separate areas of the wine section.
21 The Chardonnay was shelved with other Chardonnays. It had three facings and was located on
22 the second shelf from the bottom at roughly knee level. It was priced at \$12.99. The Pinot Noir
with shelved with the other Pinot Noirs. It had a single facing and was on the third shelf from
the bottom. It was priced at \$16.99.

23 ¹⁰ A neck hanger, or "necker", is a point of purchase piece that hangs on the neck of the
24 bottle (in the vicinity of the capsule). Some neck hangers are placed on the bottle by slipping the
neck of the bottle through a hole in the top of the piece. Others are tied on.

no brand that has ever attempted to distinguish itself on the "Wall of Wine" by placing a brand name solely on a capsule. (In fact, this probably would not be lawful under TTB labeling rules because the brand name must be on the main label in proximity to other mandatory information.)

b. If the consumer cannot see the brand name at the point of purchase, then the consumer cannot make purchasing decisions based on it. From a marketing standpoint, it would make no sense to attempt to build a brand by putting it on a capsule in mouse-type where the branding element could not be seen by the consumer at point of purchase because this does not distinguish the bottle from those of others on the Wall of Wine. If a consumer knew of a PINNACLES brand and came into the store to purchase it, the consumer would not be able to find it because the brand name could not be seen. If Franciscan wanted to generate impulse purchases of a PINNACLES brand, it would not have placed the brand name in a place where a consumer would not see it and where it would not stand out on the Wall of Wine.

c. The only reason I can think of for placing the PINNACLES name on the capsule would be to support a legal argument that the trademark was still in use. It makes no sense from a marketing standpoint and is unlikely to sell a single additional bottle of ESTANCIA wine. In short, consumers will be purchasing ESTANCIA wine and not PINNACLES wine.

32. I understand that Franciscan has claimed that all sales and promotional expenses for its ESTANCIA wine also reflect sales and promotional expenses for the PINNACLES and PINNACLES RANCHES trademark. Based on the COLA history and the ESTANCIA web site, that statement is not true. As indicated above, at very best "Pinnacles" and "Pinnacles Ranches" have only been used as composite form designations on a limited number of the wines in the ESTANCIA portfolio. I have not been asked to, nor have I undertaken, an analysis to try

1 to determine the exact sales and promotion history of wines bearing these composite terms. I
2 have seen no records of sales or promotion of a PINNACLES or PINNACLES RANCHES wine.

3 33. It is my opinion that the term "Pinnacles" simpliciter has no trademark
4 significance itself, except for that accorded to it presumptively by the Lanham Act. That term
5 has not been used as a trademark in a bona fide way, if at all. The term has not been used as a
6 stand-alone brand name for eighteen (18) years. Since 2004, the term has been used in various
7 composite forms (such as "Pinnacles Vineyards" and "Pinnacles Ranches") by Franciscan as a
8 geographic term for some types of ESTANCIA wine to give the wine a sense of place that is tied
9 to the proximity of the vineyards to the Pinnacles National Monument. There is no evidence of
10 any promotion or marketing of a PINNACLES or PINNACLES RANCHES trademark for wine.

11 34. I understand that the Trademark Trial and Appeal Board has held that Franciscan
12 has not abandoned the registered trademark PINNACLES. It is my further opinion, however,
13 that if the registered PINNACLES trademark has not been abandoned in a technical, legal sense,
14 it is nonetheless a very weak mark for the reasons discussed above. To the extent the term
15 "Pinnacles" has any degree of consumer recognition at all, it is as part of a composite mark with
16 a traditional geographic meaning and inextricably entwined with the ESTANCIA brand of wine.
17 Thus, it has no trademark significance onto which the PINNACLES RANCHES designation can
18 tack.

19 • **The Term Pinnacles Ranches is a Weak Geographic Term**

20 35. Based on the foregoing, it is my opinion that Franciscan has not in its usage of the
21 term PINNACLES RANCHES attempted to develop trademark significance for it. The term has
22 been used on labels as a vineyard designation for ESTANCIA wines, and the marketing concept
23 has been to associate it with "The Pinnacles" as a portion of the Gabilan Mountain range that is
24

1 responsible for keeping the fog and cool air from the Pacific Ocean in the Salinas Valley which,
2 in turn, creates a unique growing condition for the grapes grown on the "Pinnacles Ranches"
3 located nearby. As such, it is reasonable to expect that consumers will take away from the three
4 labels on which the term is used (Chardonnay, Pinot Noir, Sauvignon Blanc) the message that
5 the brand is ESTANCIA and the grapes are grown on the Pinnacles Ranches and vineyard which
6 are contiguous to and named after The Pinnacles National Monument. I have no doubt based on
7 what I have observed and on my experience that this is the message Franciscan intends to
8 communicate to consumers.

9 36. I understand that discovery has not been completed as of the date of this
10 Declaration and that I may be asked to supplement this Declaration once discovery is completed.

11 QUALIFICATIONS

12 37. I received a Bachelor of Arts Degree in political science and speech
13 communication, with a minor in theology, from George Washington University in Washington,
14 D.C. with highest honors, Phi Beta Kappa, in 1977. I received a J.D. degree from George
15 Washington University, with high honors and Order of the Coif, in 1980. I was a member of the
16 George Washington University Law Review.

17 38. While I was in law school I was on the faculty of the Columbian College of Arts
18 and Sciences of George Washington University. Over the years I also worked as a Law
19 Clerk/Summer Associate at three firms in Washington, D.C.: Connor, Moore & Corber; Rose,
20 Schmidt, Dixon, Hasley, Whyte and Hardesty; and Crowell & Moring.

21 39. From 1980 through 1990, I was with the firm of Crowell & Moring in
22 Washington, D.C. My practice focused on business counseling and litigation in the business law
23
24

1 area, primarily antitrust, contracts, and natural resources law. I worked on several intellectual
2 property cases during that period.

3 40. From February 1991 – January 2009 I was Associate General Counsel of E. & J.
4 Gallo Winery (“Gallo”) in Modesto, California. Gallo is the second largest wine producing and
5 marketing company in the world. I represented Gallo in a variety of matters, primarily litigation,
6 global intellectual property (patent, trademarks, copyright, and advertising) and international. I
7 was responsible for Gallo’s global trademark protection program.

8 41. From February 2009 to the present I have been the principal attorney in the Law
9 Office of Paul W. Reidl. I provide a full range of legal and consulting services to clients in
10 various sectors, including the wine industry.

11 42. During most of my eighteen (18) years at Gallo, I was responsible for all of the
12 intellectual property aspects of branding, labeling and packaging. I worked closely with the co-
13 founder of Gallo, the Marketing Department, and the various Business Units on brand
14 development and strategy. I reviewed thousands of prospective brand names, prosecuted
15 hundreds of trademark applications, litigated oppositions and cancellation proceedings, litigated
16 Federal Court cases, prosecuted UDRP actions, and participated in attended numerous
17 brand/packaging/program development and strategy meetings and conference calls. Among
18 other things, in connection with these activities I read extensively in the wine area, frequently
19 visited retail outlets where wines were sold, performed numerous COLA and TESS searches, and
20 reviewed brand plans, consumer research, promotional materials, and the like.

21 43. My business requires me to stay abreast of the wine market, market trends,
22 marketing, and other aspects of the business. I must also stay abreast of trends in consumer
23 behavior and taste, the retail environment, and marketing and promotional techniques generally.

44. I have written and spoken on various issues and written numerous articles on trademark law and other subjects. These include:

- Brand Protection in the Social Media Environment, SOCIALEX Forum on Legal Issues in Social Media (Washington, D.C.)(March 2010);
- Geographic Indication Registration Systems for Wines, AIDV Annual Meeting (Trier, Germany, 2009);
- Market Evolution and Brand Collision, INTA Annual Meeting (2009);
- Contributing author to FAB JOB GUIDE TO BECOMING A WINERY OWNER (B. Pearce, ed.)(2009);
- Trademark Dilution (University of Southern California I.P. Law Institute, 2008);
- Trade Practices and Intellectual Property, Chapter 9 in POINT OF PURCHASE ADVERTISING (Point of Purchase Advertising Int'l)(2008.)
- Careers in Trademark Law, INTA Young Practitioners Forum (San Francisco, 2007);
- The Survey Blues, INTA Annual Meeting (2007);
- Geographic Indications, Trademarks, and International Issues, Guest Lecturer, Seminar on Advanced Trademark Law, The George Washington University Dean Dinwoodey Center for Intellectual Property Studies (2007, 2008);
- The Trademark Dilution Revision Act of 2006, The George Washington University Dean Dinwoodey Center for Intellectual Property Studies (2006);
- Global Trademark Programs: What You Should Know, INTA Roundtable Forum, (Beijing, China, 2006);

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- Strategic Considerations in Global Trademark Registration and Enforcement Programs, INTA China Forum (Hangzhou, China, 2006);
- Maximizing Portfolio Value Through Licensing and Franchising, INTA China Forum (Hangzhou, China, 2006);
- Living in the Age of the Lightning Brand, President's Address, INTA Annual Meeting (2006);
- In Vino Veritas: Ruminations on the Labeling of Wines, INTA Annual Meeting (2005);
- Strategic Considerations in Cross-Border Litigation, INTA Leadership Meeting (2003);
- Geographic Indications and Wine Trademarks, INTA Bulletin (September 2003.)
- On Treaties, 93 TRADEMARK REPORTER 99 (2003);
- Creating and Managing an International Trademark Portfolio, Intellectual Property Law for Corporate Counsel (Northstar 2003);
- USPTO Class 33 Training Session (Arlington, VA, 2002);
- New Member Orientation; How to Survive the Annual Meeting, INTA Annual Meeting (2002);
- Beer and Wine Advertising and Promotion ... Why It's not all "Fun and Games," INTA Annual Meeting (2000);
- Beyond the Vineyard: Miscellanea That Will Amaze Your Friends and Confound Your Colleagues, INTA Trademark and Paralegal Forum (San Francisco, 1999);
- Creating and Managing a Global Trademark Portfolio, Practising Law Institute Understanding Basic Trademark Law Program (San Francisco, 1999 – 2010);

- The Use of Survey Evidence in Dilution Cases: Corporate Counsel Challenges, INTA Dilution and Famous Marks Forum (Washington, D.C. 1998);
- Keys to an Effective Trademark Enforcement Program, 20th Annual Intellectual Property Law Institute, State Bar of California (Monterrey, 1995);
- Co-Author (with J. MacLeod, R. McMillan), Coal Supply Contracts, Chapter 23 in ENERGY LAW (Matthew Bender, 1990);
- Author (and co-author with T. Biddle) of five Chapters in Mine Safety and Health Law, 1 COAL LAW AND REGULATION (Matthew Bender, 1983);
- Note, 48 G.W.U. L. REV. 791 (1980)(discussing constitutional limitations on the assessment of license fees by federal agencies).

45. Beginning in 1994 I served on various committees and held various leadership positions in the International Trademark Association, which is the global association of trademark owners and professionals. I was the President and Chairman of the Board of that association in 2006. During that year I travelled extensively in furtherance of the association's public policy objectives, including meeting with government officials in New York, Brussels, Toronto, San Francisco, Washington, D.C., Alexandria, VA, and Beijing and Hangzhou, China. I was a member of the Task Force that drafted the Trademark Dilution Revision Act of 2006 and worked on securing its passage. I was also named one of the fifty (50) most influential people in global intellectual property by Managing Intellectual Property magazine.

46. I am a member of the State Bar of California, an inactive member of the District of Columbia bar, the bars of various Federal courts, and the Intellectual Property Law section of the State Bar of California. I am also a member of L'Association Internationale des Juristes du Droit de la Vigne et du Vin (AIDV)(International Wine Law Association).

PAUL W. REIDL

47. I have given deposition testimony in three Federal Court cases: Kendall-Jackson Winery v. E. & J. Gallo Winery, No. C-96-1198-VRW (N.D. CA), E. & J. Gallo Winery v. Cantine Rallo, S.p.A., No. 1:04-cv-5153 OWW DLB (E.D. CA) and E. & J. Gallo Winery v. Mira Enterprises, Inc., CV 07-8102 ODW FFMx) (C.D. CA).

COMPENSATION

48. My fees for this engagement consist of billable hours and expenses. My hourly billing rate is \$500.

I make this Declaration having been advised of the penalties for perjury on this 31st day of July 2010, in Modesto, California.

Carrie Beal

Paul W. Reidl

EXHIBIT A

Documents produced by Opposer in Opposition No. 91185984 in response to a request for promotional materials for PINNACLES wine

www.estanciaestates.com

www.cwbrands.com

<https://www.ttbonline.gov/colasonline/publicSearchColasBasic.do>

<http://www.uspto.gov/trademarks/index.jsp>

USPTO file wrapper for SN 78/166,136

Pleadings file for Opposition no. 91185984

Pleadings file for Opposition no. 91191056

Pleadings file for *White Rock Distilleries, Inc. v. Franciscan Vineyards, Inc.*, No. CV 09-5478 (N.D.CA)

USPTO file wrapper for SN 73/006,890

USPTO file wrapper for SN 73/813,935

USPTO file wrapper for SN 77/598,674

www.franciscan.com

Regional Oral History Office University of California, The Bancroft Library Berkeley, California, The Wine Spectator California Winemen Oral History Series, Morris Katz, PAUL MASSON WINERY OPERATIONS AND MANAGEMENT, 1944-1988

Constellation Wines 2009 Annual Report

My Rule 26 Expert Report in Opposition no. 91185984

Redacted deposition transcripts of Riccardo A. Mora, John Maxwell, Christine Lilienthal, Oren Lewin, and Alicia Laury

Documents produced by Opposer in discovery, WRDOpp20001 – 20195

EXHIBIT B



A Photograph of a Portion of the National Monument known as "The Pinnacles"

EXHIBIT C

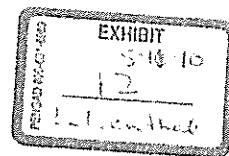
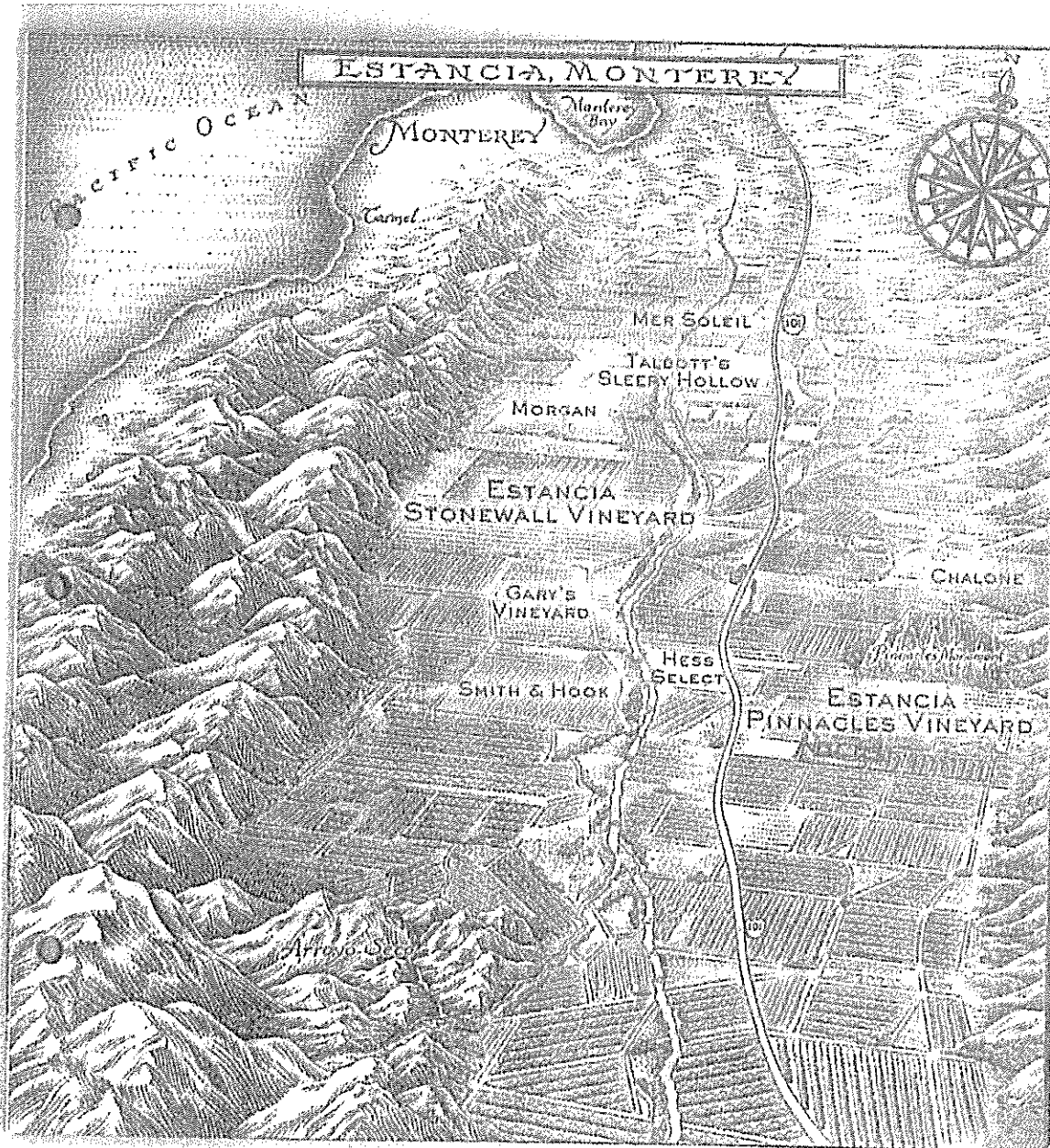
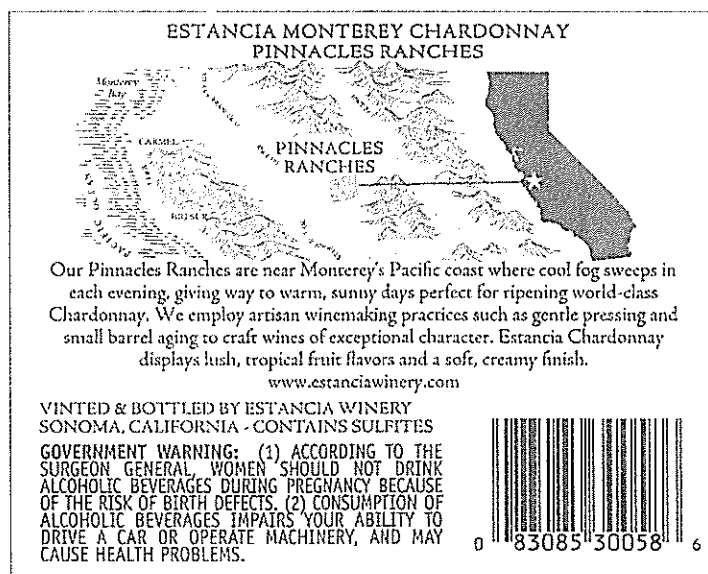


EXHIBIT D



Front and Back Label from June 30, 2010 Certificate of Label Approval
TTB ID No. 10173001000376

OMB-No. 1512-0092 (11/30/2005)

TTB ID: 04131 000-000081		DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL <small>(See instructions and Paperwork Reduction Act Notices on Back)</small>	
1. REP ID NO. (If any) 1005		7. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON THE LABEL. (Required) Pacific Wine Partners LLC dba Estancia Estates 800 S Alta Street Gonzales, CA 93926	
2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO (Required) BW-CA-4674 CA-W-3110 CA-I-4994		7a. MAILING ADDRESS, IF DIFFERENT Pacific Wine Partners LLC P O Box 780 Gonzales, CA 93926	
3. SERIAL NUMBER (Required) YEAR: 0 4 - 0 5 3	4. TYPE OF PRODUCT (Required) <input checked="" type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input type="checkbox"/> MALT BEVERAGE	17. TYPE OF APPLICATION (Check applicable box(es)) a <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL b <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL *For sale in _____ only (Fill in State abbreviation) c <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL TOTAL BOTTLE CAPACITY BEFORE CLOSURE _____ (Fill in amount) d <input type="checkbox"/> RESUBMISSION AFTER REJECTION TTB ID _____	
5. BRAND NAME (Required) Estancia	6. FANCIFUL NAME (If any) Pinnacles Ranches	18. SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW OR (b) BLOWN, BRANDED OR EMBOSSED ON THE CONTAINER (e.g., net contents, etc.) THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS	
8. EMAIL ADDRESS Kim Wygal@pecwine.com	9. FORMULA/SOP NO (If any)	10. LAB NO & DATE/PRE-IMPORT NO & DATE (If any)	11. NET CONTENTS 3L
12. ALCOHOL CONTENT 13.5	13. WINE APPELLATION (If on label) Monterey	14. WINE VINTAGE DATE (If on label) 2002	15. PHONE NUMBER (831) 675-5320
16. FAX NUMBER (831) 675-2811		19. DATE OF APPLICATION 05/05/04	
20. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT <i>Kimberly Wygal</i>		21. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT Kimberly Wygal, Attorney in Fact	
PART II - APPLICANT'S CERTIFICATION			
Under the penalties of perjury, I declare: that all statements appearing on this application are true and correct to the best of my knowledge and belief and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31, Certificate/Exemption of Label/Bottle Approval.			
PART III - TTB CERTIFICATE			
22. DATE ISSUED MAY 13 2004			
23. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU <i>[Signature]</i>			
FOR TTB USE ONLY			
QUALIFICATIONS			
EXPIRATION DATE (If any)			

AFFIX COMPLETE SET OF LABELS BELOW (See General Instructions 4, 6 and 7)



→ Etched

Front ↓

* LABEL
* BEAR ON THE FRONT
* OF THE CONTAINERESTANCIA 2002 PINOT NOIR
MONTEREY - PINNACLES RANCHES

PROPRIETOR GROWN

13.5% ALC. BY VOLUME

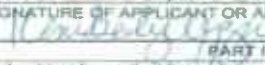

PROPRIETOR GROWN & BOTTLED BY ESTANCIA ESTATES
GONZALES, CA USA • CONTAINS SULFITES • 3.0L

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.

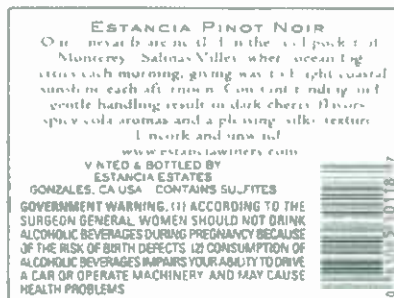
TTB F 5100.31 (3-2003) PREVIOUS EDITION IS OBSOLETE



OMB No. 1512-0092 (11/30/2005)

TTB ID 05187-003-000039		DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL <i>(See instructions and Paperwork Reduction Act Notice on Back)</i>	
1 REP ID. NO. (If any)		PART I - APPLICATION	
2 PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required) BW-CA-4674 CA-W-3110 CA-I-4994		7 NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY BASIC PERMIT OR BREWER'S NOTICE INCLUDE APPROVED DBA OR TRADENAME IF USED ON THE LABEL (Required) Pacific Wine Partners LLC dba Estancia Estates 800 S Alta Street Gonzales, CA 93926	
3 SERIAL NUMBER (Required) YEAR: 0 5 -- 0 0 8 1		4 TYPE OF PRODUCT (Required) <input checked="" type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input type="checkbox"/> MALT BEVERAGE	
5 BRAND NAME (Required) Estancia		7a MAILING ADDRESS, IF DIFFERENT Pacific Wine Partners LLC P O Box 780 Gonzales, CA 93926	
6 FANCIFUL NAME (If any) Pinnacles Ranches		17 TYPE OF APPLICATION (Check applicable box(es)) a <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL b <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in _____ only" (Fill in State abbreviation) c <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL TOTAL BOTTLE CAPACITY BEFORE CLOSURE _____ (Fill in amount) d <input type="checkbox"/> RESUBMISSION AFTER REJECTION TTB ID _____	
8 EMAIL ADDRESS Lisa Pladsen@cwine.com		9 FORMULA/SOP NO. (If any)	
11 NET CONTENTS 375ml - 3L		12 ALCOHOL CONTENT 13.5	
14 WINE VINTAGE DATE (If on label) 2004		13 WINE APPELLATION (If on label) Monterey	
15 PHONE NUMBER (831) 675-5367		16 FAX NUMBER (831) 675-2611	
18 SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, cellophane, cork, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) BLOWN, BRANDED OR EMBOSSED ON THE CONTAINER (e.g., net contents, etc.) THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW ALSO PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS Size is blown into glass			
PART II - APPLICANT'S CERTIFICATION			
Under the penalties of perjury, I declare that all statements appearing on this application are true and correct to the best of my knowledge and belief, and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31, Certificate/Exemption of Label/Bottle Approval.			
19 DATE OF APPLICATION 08/30/05		20 SIGNATURE OF APPLICANT OR AUTHORIZED AGENT 	
21 PRINT NAME OF APPLICANT OR AUTHORIZED AGENT Kimberly Wygal, Assistant Secretary		PART III - TTB CERTIFICATE	
This certificate is issued subject to applicable law, regulations and conditions as set forth in the instructions portion of this form.			
22 DATE ISSUED JUL 1 9 2005		23 AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU 	
FOR TTB USE ONLY			
QUALIFICATIONS			
EXPIRATION DATE (If any)			



AFFIX COMPLETE SET OF LABELS BELOW (See General Instructions 4, 6 and 7)



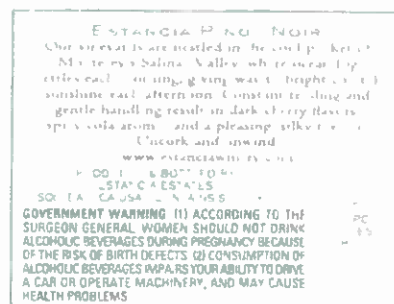
TTB F 5100.31 (3-2003) PREVIOUS EDITION IS OBSOLETE



OMB No. 1512-0092 (11/30/2005)

TTB ID 05203-013-000102		DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL <small>(See instructions and Paperwork Reduction Act Notice on Back)</small>	
1 REP ID NO (If any) <u>80 81</u>		PART I - APPLICATION	
2 PLANT REGISTRY/BASIC PERMIT/BREWER'S NO (Required) BW-CA-5843		7 NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE INCLUDE APPROVED DBA OR TRADENAME IF USED ON THE LABEL (Required) Franciscan Vineyards, Inc 1775 Melz Road Soledad, California 93060 dba / Estancia Estates	
3 SERIAL NUMBER (Required) YEAR: 0 5 -- 0 0 1 5		4 TYPE OF PRODUCT (Required) <input checked="" type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input type="checkbox"/> MALT BEVERAGE	
5 BRAND NAME (Required) Estancia		7a MAILING ADDRESS IF DIFFERENT Constellation Wines U S 235 North Bloomfield Road Canandaigua, New York 14424	
6 FANCIFUL NAME (If any) Pinnacles Ranches			
8 EMAIL ADDRESS chris.benziger@cwine.com		9 FORMULA/SOP NO (If any)	
10 LAB NO. & DATE/PRE-IMPORT NO. & DATE (If any)		17 TYPE OF APPLICATION (Check applicable box(es)) a <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL b <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL <small>For sale in _____ only (Fill in State abbreviation)</small> c <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL TOTAL <small>BOTTLE CAPACITY BEFORE CLOSURE (Fill in amount)</small> d <input type="checkbox"/> RESUBMISSION AFTER REJECTION <small>TTB ID _____</small>	
11 NET CONTENTS 375 ml - 3.0 L	12 ALCOHOL CONTENT 13.5%	13 WINE APPELLATION (If on label) Monterey	
14 WINE VINTAGE DATE (If on label) 2004	15. PHONE NUMBER (585) 396-7570	16 FAX NUMBER (585) 396-7831	
18 SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g. caps, cellophane, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW OR (b) BLOWN, BRANDED OR EMBOSSED ON THE CONTAINER (e.g. net contents, etc.); THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW ALSO PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS Net contents to be blown into glass			
PART II - APPLICANT'S CERTIFICATION			
Under the penalties of perjury, I declare that all statements appearing on this application are true and correct to the best of my knowledge and belief, and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31, Certificate/Exemption of Label/Bottle Approval.			
19 DATE OF APPLICATION 7/18/05	20 SIGNATURE OF APPLICANT OR AUTHORIZED AGENT 	21 PRINT NAME OF APPLICANT OR AUTHORIZED AGENT Christopher H. Benziger, Attorney-in-Fact	
PART III - TTB CERTIFICATE			
This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.			
22 DATE ISSUED JUL 29 2005	23 AUTHORIZED SIGNATURE ALCOHOL AND TOBACCO TAX AND TRADE BUREAU 		
FOR TTB USE ONLY			
QUALIFICATIONS			
EXPIRATION DATE (If any)			

AFFIX COMPLETE SET OF LABELS BELOW (See General Instructions 4, 6 and 7)



TTB F 5100.31 (3-2003) PREVIOUS EDITION IS OBSOLETE

EXHIBIT

 8 FOR ID
 1-20-11 DM

OMB No. 1513-0020 (01/31/2009)

TTB ID 06300-003-000012		DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL (See Instructions and Paperwork Reduction Act Notice Below)	
1. REP. ID. NO. (If any)		PART I - APPLICATION 8. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT, OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON THE LABEL. (Required) Franciscan Vineyards, Inc. 26200 Arnold Drive Sonoma, CA 95476 DBA Estancia Estates	
2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required) BW-CA-6212		3. SOURCE OF PRODUCT (Required) <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Imported	
4. SERIAL NUMBER (Required) YEAR 0 6 - 0 0 8 1		5. TYPE OF PRODUCT (Required) <input checked="" type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input type="checkbox"/> MALT BEVERAGES	
6. BRAND NAME (Required) Estancia		8a. MAILING ADDRESS, IF DIFFERENT Constellation Wines U.S. 235 North Bloomfield Road Canandaigua, NY 14424	
7. FANCIFUL NAME (If any)			
9. EMAIL ADDRESS chris.benziger@cwine.com		10. FORMULA/SOP NO. (If any)	
12. NET CONTENTS 375 ml - 3.0 L		14. WINE APPELLATION (If on label) Monterey	
15. WINE VINTAGE DATE (If on label) 2005		17. FAX NUMBER 585-396-7831	
13. ALCOHOL CONTENT 13.5%		16. PHONE NUMBER 585-396-7570	
18. TYPE OF APPLICATION (Check applicable box(es)) a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL b. <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in _____ only" (Fill in State abbreviation) c. <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL TOTAL BOTTLE CAPACITY BEFORE CLOSURE (Fill in amount) d. <input checked="" type="checkbox"/> RESUBMISSION AFTER REJECTION TTB ID: 06269-003-000011			
19. SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, cellophane, cork, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) BLOWN, BRANDED OR EMBOSSED ON THE CONTAINER (e.g., net contents, etc.). THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS			

PART II - APPLICANT'S CERTIFICATION

Under the penalties of perjury, I declare: that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31 Certificate/Exemption of Label/Bottle Approval.

20. DATE OF APPLICATION 9/21/06	21. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT <i>Christopher H. Benziger</i>	22. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT Christopher H. Benziger, Attorney-in-Fact
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PART III - TTB CERTIFICATE

This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.

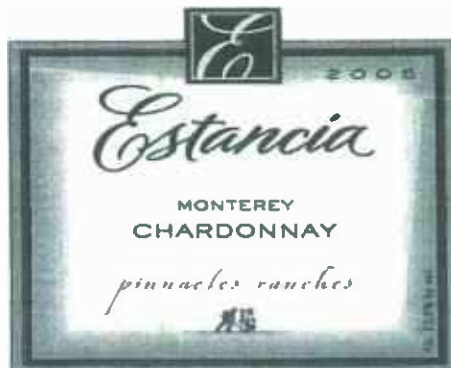
23. DATE ISSUED NOV 09 2006	24. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU <i>Tracie C. Buckhardt</i>
--------------------------------	--

FOR TTB USE ONLY

QUALIFICATIONS

EXPIRATION DATE (If any)

AFFIX COMPLETE SET OF LABELS BELOW (See General Instructions 4, 6 and 7)



ESTANCIA CHARDONNAY
 At Estancia, we oversee the winemaking process from grape to glass. Estancia's handcrafted boutique-style winemaking results in Chardonnay bursting with flavors of passion fruit, guava and fig that usher in a creamy, round finish. Uncork and unwind.
www.estanciawinery.com

VINTED & BOTTLED BY
 ESTANCIA ESTATES
 SONOMA, CA USA - CONTAINS SULFITES /50ml

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.



TTB F 5100.31 (6/2006) PREVIOUS EDITIONS ARE OBSOLETE

OMB No. 1513-0020 (C 1/31/2009)

TTB ID 07323-003-000004		DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL (See Instructions and Paperwork Reduction Act Notice Below)	
1 REP ID NO (If any) CT 81 001		PART I - APPLICATION	
2 PLANT/REGISTRY BASIC 14 RMIT/BREWER'S NO (Required) 11W 11-0112		3 SOURCE OF PRODUCT (Required) <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Imported	
4 SERIAL NUMBER (Required) YEAR 07 01 51		5 TYPE OF PRODUCT (Required) <input checked="" type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input type="checkbox"/> MALT BEVERAGES	
6 BRAND NAME (Required) Estancia		8 NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT/REGISTRY BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON THE LABEL (Required) Franciscan Vineyards, Inc 26200 Arnold Drive Sonoma, CA 95476 DBA Estancia Estates	
7 FANCIFUL NAME (If any) Pinnacles Ranches		8a MAILING ADDRESS, IF DIFFERENT Constellation Wines US 235 North Bloomfield Road Canandaigua, NY 14424	
9 E-MAIL ADDRESS chris.benziger@winery.com		10 FORMULA/SOP NO (If any)	
11 LAB NO & DATE/PRE-IMPORT NO & DATE (If any)		12 TYPE OF APPLICATION (Check applicable boxes) <input checked="" type="checkbox"/> a CERTIFICATE OF LABEL APPROVAL <input type="checkbox"/> b CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL For sale in _____ only. (Fill in State/Province) <input type="checkbox"/> c DISTINCTIVE LIQUOR BOTTLE APPLICABLE TOTAL BOTTLE CAPACITY BEFORE CLOSURE _____ (Fill in amount) <input type="checkbox"/> d RESUBMISSION AFTER REJECTION TTB ID _____	
13 NET CONTENTS 750 ml 30 fl		14 WINE APPELLATION (If on label) Monterey County	
15 WINE VINTAGE DATE (If on label) 2007		16 PHONE NUMBER 885-396-7831	
17 FAX NUMBER 885-396-7831		19 SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER, e.g. caps, corks, etc. OTHER THAN THE LABELS AFFIXED BELOW OR (b) BLOWN/BRADED ON THE CONTAINER, e.g. neck contents, etc. THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.	
On cork: Estancia, Uncork & Unwind, www.estanciawinery.com			

PART II - APPLICANT'S CERTIFICATION

Under the penalties of perjury, I declare that all statements appearing on this application are true and correct to the best of my knowledge and belief, and that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.37 Certificate/Exemption of Label/Bottle Approval.

20 DATE OF APPLICATION 11/5/07 21 SIGNATURE OF APPLICANT OR AUTHORIZED AGENT *Christopher H. Benziger* 22 PRINT NAME OF APPLICANT OR AUTHORIZED AGENT Christopher H. Benziger, Attorney in Fact

PART III - TTB CERTIFICATE

This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.

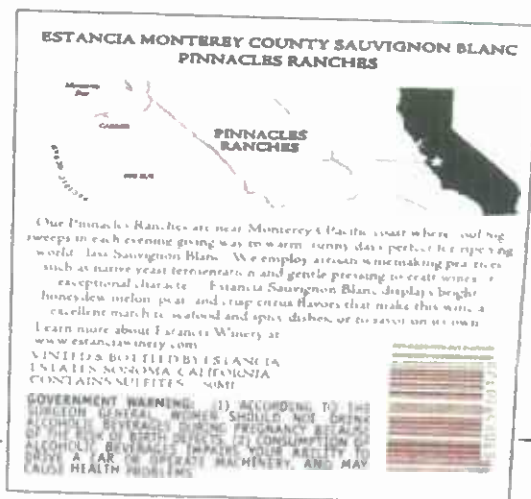
23 DATE ISSUED NOV 21 2007 24 AUTHORIZED SIGNATURE *Trade & Cash*

FOR TTB USE ONLY



QUALIFICATIONS

EXPIRATION DATE (If any)

AFFIX COMPLETE SET OF LABELS BELOW (See General Instructions 4, 6 and 7)

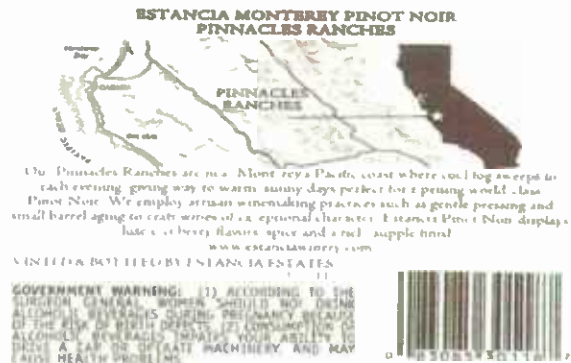


OMB No. 1513-0020 (01/31/2009)

TTB ID 08064-003-000008		DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL <small>(See Instructions and Paperwork Reduction Act Notice Below)</small>	
1 REP ID NO (If any) CT 70 181		PART I - APPLICATION	
2 PLANT REGISTRY/BASIC PERMIT/BREWER'S NO (Required) HW-C'A-6212		3 SOURCE OF PRODUCT (Required) <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Imported	
4 SERIAL NUMBER (Required) YEAR: 0 8 - 0 1 7 4		5 TYPE OF PRODUCT (Required) <input checked="" type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input type="checkbox"/> MALT BEVERAGES	
6 BRAND NAME (Required) Estancia		8. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT, OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON THE LABEL (Required) Franciscan Vineyards, Inc. 26200 Arnold Drive Sonoma, CA 95476 DBA Estancia Estates	
7 FANCIFUL NAME (If any) Pinnacles Ranches		8a. MAILING ADDRESS, IF DIFFERENT Constellation Wines U.S. 235 North Bloomfield Road Canandaigua, NY 14424	
9 EMAIL ADDRESS chris.benziger@cwinc.com		10 FORMULA/SOP NO. (If any)	
12 NET CONTENTS 375 ml - 3.0 L		13 ALCOHOL CONTENT 13.5%	
14 WINE APPELLATION (If on label) Monterey		11 LAB NO & DATE/PRE-IMPORT NO & DATE (If any)	
15 WINE VINTAGE DATE (If on label) 2007		16 PHONE NUMBER 585-396-7570	
17 FAX NUMBER 585-396-7831		18 TYPE OF APPLICATION (Check applicable box(es)) <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL <small>"For sale in _____ only" (Fill in State abbreviation)</small> <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL TOTAL <small>BOTTLE CAPACITY BEFORE CLOSURE (Fill in amount)</small> <input type="checkbox"/> RESUBMISSION AFTER REJECTION TTB ID:	
19 SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) SHOWN, BRANDED OR EMBOSSED ON THE CONTAINER (e.g., net contents, etc.) THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS Net contents to be embossed on container.			
PART II - APPLICANT'S CERTIFICATION			
Under the penalties of perjury, I declare that all statements appearing on this application are true and correct to the best of my knowledge and belief, and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31 Certificate/Exemption of Label/Bottle Approval.			
20 DATE OF APPLICATION 2/29/08		21 SIGNATURE OF APPLICANT OR AUTHORIZED AGENT 	
22. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT Christopher H. Benziger, Attorney-in-Fact		PART III - TTB CERTIFICATE	
This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.			
23 DATE ISSUED MAR 18 2008		24 AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU 	
FOR TTB USE ONLY			
QUALIFICATIONS			
EXPIRATION DATE (If any)			

AFFIX COMPLETE SET OF LABELS BELOW (See General Instructions 4, 6 and 7)

FRONT



TTB F 5100.31 (6/2006) PREVIOUS EDITIONS ARE OBSOLETE



OMB No. 1513-0020 (01/31/2009)

DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL <small>(See Instructions and Paperwork Reduction Act Notice Below)</small>	
PART I - APPLICATION	
1 REP ID. NO. (If any) CT 77 0A 11	8 NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON THE LABEL. (Required) Franciscan Vineyards, Inc. 26200 Arnold Drive Sonoma, CA 95476 DBA Estancia Estates
2 PLANT REGISTRY/BASIC PERMIT/BREWER'S NO (Required) BW-CA-6212	3 SOURCE OF PRODUCT (Required) <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Imported
4 SERIAL NUMBER (Required) YEAR: 0 8 * 0 1 7 3	5 TYPE OF PRODUCT (Required) <input checked="" type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input type="checkbox"/> MALT BEVERAGES
6 BRAND NAME (Required) Estancia	
7 FANCIFUL NAME (If any) Pinnacles Ranches	
9 EMAIL ADDRESS chris.benziger@wine.com	10 FORMULA/SOP NO (If any)
11 LAB NO & DATE/PRE-IMPORT NO & DATE (If any)	12 TYPE OF APPLICATION (Check applicable box(es)) a <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL b <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in _____ only" (Fill in State abbreviation) c <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL TOTAL BOTTLE CAPACITY BEFORE CLOSURE _____ (Fill in amount) d <input type="checkbox"/> RESUBMISSION AFTER REJECTION TTB ID _____
13 NET CONTENTS 375 ml - 3.0 L	14 ALCOHOL CONTENT 13.5%
15 WINE VINTAGE DATE (If on label) 2007	16 WINE APPELLATION (If on label) Monterey County
17 PHONE NUMBER 585-396-7570	18 FAX NUMBER 585-396-7831
19 SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, cellophane, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) BLOWN, BRANDED OR EMBOSSED ON THE CONTAINER (e.g., net contents, etc.) THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS. Net contents to be embossed on container.	

PART II - APPLICANT'S CERTIFICATION

Under the penalties of perjury, I declare, that all statements appearing on this application are true and correct to the best of my knowledge and belief, and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31 Certificate/Exemption of Label/Bottle Approval.

20 DATE OF APPLICATION 2/29/08	21 SIGNATURE OF APPLICANT OR AUTHORIZED AGENT
22 PRINT NAME OF APPLICANT OR AUTHORIZED AGENT Christopher H. Benziger, Attorney-in-Fact	

PART III - TTB CERTIFICATE

This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.

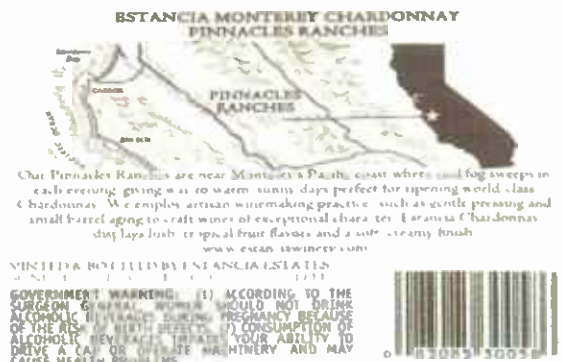
23 DATE ISSUED MAR 10 2008	24 SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
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FOR TTB USE ONLY

QUALIFICATIONS

EXPIRATION DATE (If any)

AFFIX COMPLETE SET OF LABELS BELOW (See General Instructions 4, 6 and 7)



TTB F 5100.31 (6/2008) PREVIOUS EDITIONS ARE OBSOLETE

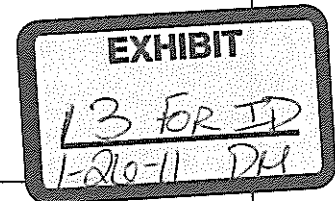


OMB No. 1513-0020 (01/31/2009)

FOR TTB USE ONLY			DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL (See Instructions and Paperwork Reduction Act Notice on Back)	
TTB ID 08319001000192				
1. REP. ID. NO. (If any)	CT 81	OR 01		

PART I - APPLICATION

2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required) BW-CA-6212		3. SOURCE OF PRODUCT (Required) <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Imported		8. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON LABEL (Required) RAVENSWOOD WINERY, FRANCISCAN VINEYARDS, INC. 26200 ARNOLD DR SONOMA CA 95476 ESTANCIA ESTATES (Used on label)	
4. SERIAL NUMBER (Required) 080238		5. TYPE OF PRODUCT (Required) <input checked="" type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input type="checkbox"/> MALT BEVERAGE			
6. BRAND NAME (Required) ESTANCIA		8a. MAILING ADDRESS, IF DIFFERENT			
7. FANCIFUL NAME (If any) PINNACLES RANCHES					
9. EMAIL ADDRESS MAILE.PIERI@CWINE.COM		10. FORMULA/SOP NO. (If any)		11. LAB. NO. & DATE / PREIMPORT NO. & DATE (If any)	
12. NET CONTENTS 750 MILLILITERS		13. ALCOHOL CONTENT 13.5		14. WINE APPELLATION IF ON LABEL MONTEREY COUNTY	
15. WINE VINTAGE DATE IF ON LABEL 2007		16. PHONE NUMBER (707) 967-2177		17. FAX NUMBER (707) 967-2129	
18. TYPE OF APPLICATION (Check applicable box(es)) a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL b. <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in _____ only" (Fill in State abbreviation.) c. <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL TOTAL BOTTLE CAPACITY BEFORE CLOSURE _____ (Fill in amount) d. <input type="checkbox"/> RESUBMISSION AFTER REJECTION TTB ID. NO. _____					



19. SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, celoseals, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) BLOWN, BRANDED OR EMBOSSED ON THE CONTAINER (e.g., net contents etc.). THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.
 NET CONTENTS WILL BE BLOWN ONTO BOTTLE. CORK VERBIAGE ESTANCIA AND WWW.ESTANCIWINERY.COM.
 CAPSULE VERBIAGE 'E'.

PART II - APPLICANT'S CERTIFICATION

Under the penalties of perjury, I declare; that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31, Certificate/Exemption of Label/Bottle Approval.

20. DATE OF APPLICATION 11/14/2008	21. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT (Application was e-filed)	22. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT MAILE PIERI
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PART III - TTB CERTIFICATE

This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.

23. DATE ISSUED 11/25/2008	24. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU <i>Shirley Gumbs</i>
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FOR TTB USE ONLY	
QUALIFICATIONS STATUS THE STATUS IS APPROVED. CLASS/TYPE DESCRIPTION TABLE WHITE WINE	EXPIRATION DATE (if any)

AFFIX COMPLETE SET OF LABELS BELOW

Image Type: Brand (front)

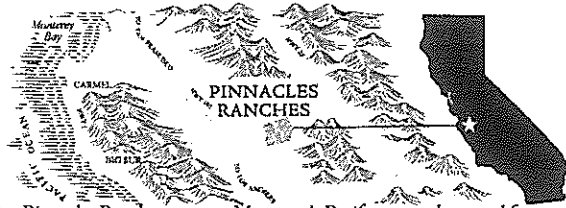
Actual Dimensions: 3.78 inches W X 3.23 inches H



Image Type: Back

Actual Dimensions: 4.13 inches W X 3.30 inches H

MAX GROUP SPECIAL SELECTION
ESTANCIA MONTEREY CHARDONNAY
PINNACLES RANCHES



Our Pinnacles Ranches are near Monterey's Pacific coast where cool fog sweeps in each evening, giving way to warm, sunny days perfect for ripening world-class Chardonnay. We employ artisan winemaking practices such as gentle pressing and small barrel aging to craft wines of exceptional character. Estancia Chardonnay displays lush, tropical fruit flavors and a soft, creamy finish.

www.estanciawinery.com

VINTED & BOTTLED BY ESTANCIA ESTATES
SONOMA, CALIFORNIA - CONTAINS SULFITES

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.



0 83085 30058 6

TTB F 5100.31 (6/2006) PREVIOUS EDITIONS ARE OBSOLETE

OMB No. 1513-0020 (01/31/2009)

FOR TTB USE ONLY		DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL (See Instructions and Paperwork Reduction Act Notice on Back)	
TTB ID 08319001000202			
1. REP. ID. NO. (If any) 	CT 81	OR 01	

PART I - APPLICATION

2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required) BW-CA-6212		3. SOURCE OF PRODUCT (Required) <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Imported		8. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON LABEL (Required) RAVENSWOOD WINERY, FRANCISCAN VINEYARDS, INC. 26200 ARNOLD DR SONOMA CA 95476 ESTANCIA ESTATES (Used on label)	
4. SERIAL NUMBER (Required) 080239		5. TYPE OF PRODUCT (Required) <input checked="" type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input type="checkbox"/> MALT BEVERAGE			
6. BRAND NAME (Required) ESTANCIA		8a. MAILING ADDRESS, IF DIFFERENT 			
7. FANCIFUL NAME (If any) PINNACLES RANCHES					
9. EMAIL ADDRESS MAILE.PIERI@CWINE.COM		10. FORMULA/SOP NO. (If any) 		11. LAB. NO. & DATE / PREIMPORT NO. & DATE (If any) 	
12. NET CONTENTS 750 MILLILITERS		13. ALCOHOL CONTENT 13.5		14. WINE APPELLATION IF ON LABEL MONTEREY COUNTY	
15. WINE VINTAGE DATE IF ON LABEL 2008		16. PHONE NUMBER (707) 967-2177		17. FAX NUMBER (707) 967-2129	
18. TYPE OF APPLICATION (Check applicable box(es)) a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL b. <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in _____ only" (Fill in State abbreviation.) c. <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL TOTAL BOTTLE CAPACITY BEFORE CLOSURE _____ (Fill in amount) d. <input type="checkbox"/> RESUBMISSION AFTER REJECTION TTB ID. NO. _____					

EXHIBIT14 FOR ID
1-20-11 DM

19. SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, celloseals, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) BLOWN, BRANDED OR EMBOSSED ON THE CONTAINER (e.g., net contents etc.). THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.
 CAPSULE VERBIAGE: "E" AT THE TOP.

PART II - APPLICANT'S CERTIFICATION

Under the penalties of perjury, I declare; that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31, Certificate/Exemption of Label/Bottle Approval.

20. DATE OF APPLICATION 11/14/2008	21. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT (Application was e-filed)	22. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT MAILE PIERI
--	--	---

PART III - TTB CERTIFICATE

This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.

23. DATE ISSUED 	24. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
--------------------------------	---

11/25/2008

Nick C. Burkhardt

FOR TTB USE ONLY

QUALIFICATIONS

STATUS

THE STATUS IS APPROVED.

CLASS/TYPE DESCRIPTION

TABLE WHITE WINE

EXPIRATION DATE (if any)

AFFIX COMPLETE SET OF LABELS BELOW

Image Type: Back

Actual Dimensions: 3.25 inches W X 3.85 inches H

ESTANCIA MONTEREY COUNTY SAUVIGNON BLANC
PINNACLES RANCHES

Our Pinnacles Ranches are near Monterey's Pacific coast where cool fog sweeps in each evening giving way to warm, sunny days perfect for ripening world-class Sauvignon Blanc. We employ artisan winemaking practices such as native yeast fermentation and gentle pressing to craft wines of exceptional character. Estancia Sauvignon Blanc displays bright honeydew melon, pear, and crisp citrus flavors that make this wine an excellent match to seafood and spicy dishes, or to savor on its own.

Learn more about Estancia Winery at:
www.estanciawinery.com

VINTED & BOTTLED BY ESTANCIA
ESTATES, SONOMA, CALIFORNIA
CONTAINS SULFITES - 750ML

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.



Image Type: Brand (front)

Actual Dimensions: 3.16 inches W X 4.30 inches H



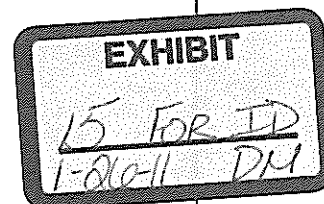
TTB F 5100.31 (6/2006) PREVIOUS EDITIONS ARE OBSOLETE

OMB No. 1513-0020 (01/31/2009)

FOR TTB USE ONLY			DEPARTMENT OF THE TREASURY ALCOHOL AND TOBACCO TAX AND TRADE BUREAU APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL (See Instructions and Paperwork Reduction Act Notice on Back)
TTB ID 09082001000307			
1. REP. ID. NO. (If any)	CT 80	OR 01	

PART I - APPLICATION

2. PLANT REGISTRY/BASIC PERMIT/BREWER'S NO. (Required) BW-CA-6212	3. SOURCE OF PRODUCT (Required) <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Imported	8. NAME AND ADDRESS OF APPLICANT AS SHOWN ON PLANT REGISTRY, BASIC PERMIT OR BREWER'S NOTICE. INCLUDE APPROVED DBA OR TRADENAME IF USED ON LABEL (Required) RAVENSWOOD WINERY, FRANCISCAN VINEYARDS, INC. 26200 ARNOLD DR SONOMA CA 95476 ESTANCIA ESTATES (Used on label)	
4. SERIAL NUMBER (Required) 090268	5. TYPE OF PRODUCT (Required) <input checked="" type="checkbox"/> WINE <input type="checkbox"/> DISTILLED SPIRITS <input type="checkbox"/> MALT BEVERAGE		
6. BRAND NAME (Required) ESTANCIA		8a. MAILING ADDRESS, IF DIFFERENT	
7. FANCIFUL NAME (If any) PINNACLES RANCHES			
9. EMAIL ADDRESS MAILE.PIERI@CWINE.COM	10. FORMULA/SOP NO. (If any)	11. LAB. NO. & DATE / PREIMPORT NO. & DATE (If any)	18. TYPE OF APPLICATION (Check applicable box(es)) a. <input checked="" type="checkbox"/> CERTIFICATE OF LABEL APPROVAL b. <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "For sale in _____ only" (Fill in State abbreviation.) c. <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL TOTAL BOTTLE CAPACITY BEFORE CLOSURE _____ (Fill in amount) d. <input type="checkbox"/> RESUBMISSION AFTER REJECTION TTB ID. NO. _____
12. NET CONTENTS 3 LITERS	13. ALCOHOL CONTENT 13.5	14. WINE APPELLATION IF ON LABEL MONTEREY COUNTY	
15. WINE VINTAGE DATE IF ON LABEL 2008	16. PHONE NUMBER (707) 967-2177	17. FAX NUMBER (707) 967-2129	



19. SHOW ANY WORDING (a) APPEARING ON MATERIALS FIRMLY AFFIXED TO THE CONTAINER (e.g., caps, celloseals, corks, etc.) OTHER THAN THE LABELS AFFIXED BELOW, OR (b) BLOWN, BRANDED OR EMBOSSED ON THE CONTAINER (e.g., net contents etc.). THIS WORDING MUST BE NOTED HERE EVEN IF IT DUPLICATES PORTIONS OF THE LABELS AFFIXED BELOW. ALSO, PROVIDE TRANSLATIONS OF FOREIGN LANGUAGE TEXT APPEARING ON LABELS.

PART II - APPLICANT'S CERTIFICATION

Under the penalties of perjury, I declare; that all statements appearing on this application are true and correct to the best of my knowledge and belief; and, that the representations on the labels attached to this form, including supplemental documents, truly and correctly represent the content of the containers to which these labels will be applied. I also certify that I have read, understood and complied with the conditions and instructions which are attached to an original TTB F 5100.31, Certificate/Exemption of Label/Bottle Approval.

20. DATE OF APPLICATION 03/23/2009	21. SIGNATURE OF APPLICANT OR AUTHORIZED AGENT (Application was e-filed)	22. PRINT NAME OF APPLICANT OR AUTHORIZED AGENT MAILE PIERI
--	--	---

PART III - TTB CERTIFICATE

This certificate is issued subject to applicable laws, regulations and conditions as set forth in the instructions portion of this form.

23. DATE ISSUED 03/27/2009	24. AUTHORIZED SIGNATURE, ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
--------------------------------------	---



FOR TTB USE ONLY

QUALIFICATIONS

When new labels are printed, all the mandatory information excluding the alcohol content must appear in printing not smaller than two (2) millimeters. This includes lower case lettering. See 27 CFR 4.38 (b). (bottler's statement, sulfite statement, net content statement must appear in 2mm size print)

EXPIRATION DATE (if any)

STATUS

THE STATUS IS APPROVED.

CLASS/TYPE DESCRIPTION

TABLE RED AND ROSE WINE

AFFIX COMPLETE SET OF LABELS BELOW

Image Type: Brand (front)

Actual Dimensions: 5.19 inches W X 4.43 inches H



Image Type: Back

Actual Dimensions: 3.75 inches W X 3.00 inches H



Our Pinnacles Ranches are near Monterey's Pacific coast where cool fog sweeps in each evening, giving way to warm, sunny days perfect for ripening world-class Pinot Noir. We employ artisan winemaking practices such as gentle pressing and small barrel aging to craft wines of exceptional character. Estancia Pinot Noir displays luscious berry flavors, spice and a rich, supple finish.

www.estanciawinery.com

VINTED & BOTTLED BY ESTANCIA ESTATES
SONOMA, CALIFORNIA - CONTAINS SULFITES - 3.0L

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.

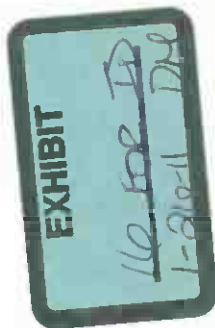
TTB F 5100.31 (6/2006) PREVIOUS EDITIONS ARE OBSOLETE

MAIL IN REBATE. OFFER EXPIRES 12/31/05.
OFFER NOT FOR RESALE. SEE BACK FOR DETAILS.

Estancia
UNCORK & UNWIND



SAVE UP TO \$4.00
ON ESTANCIA WINES!



Manufacturer's Coupon - Offer Expires 11/5/05 - Not To Be Doubled
No Wine Purchasing Necessary - See Back For Details
www.estanciaestates.com

Estancia

Perfect for Relaxed Holiday Entertaining



SAVE \$2.00 NOW ON ROAST

MAIL IN REBATE. OFFER EXPIRES 6/30/2008
OFFER NOT FOR RESALE. SEE BACK FOR DETAILS.

Enjoy *Estancia* Today



and Save \$1.00

Estancia

SAVE
\$3.00
ON ANY
ESTANCIA
WINE



SEE BACK FOR DETAILS

PAUL W. REIDL

©2005 ESTANCIA ESTATES, SOLEDAD, CA
POS # 57739
WWW.ESTANCIWINERY.COM

©2004 Estancia Estates, CA
POS Item Number: 57740
Not for resale

BUY: Any 1 bottle of Estancia and receive a \$1.00 refund check or buy any 2 bottles of Estancia and receive a \$3.00 refund check.

REMOVE: Peel a circle over bottle top (must have top part of capsule).

SEND: This completed form and original cash register receipt(s) dated between 5/1/05 and 12/31/05 with the purchase price(s) entered.

MAIL TO: Estancia Winery Offer 57739 P.O. Box 42921 Mesa, AZ 85247-2921

MUST BE POSTMARKED BY: 1/15/06

NAME: _____

ADDRESS: _____ **APT#:** _____
Street Address Must Accompany P.O. Box

CITY: _____ **STATE:** _____ **ZIP:** _____

E-MAIL: _____

SIGNATURE: _____ **BIRTHDATE:** ____/____/____

REFUND CONDITIONS:

Offer expires 12/31/05. Refund request for group clubs, organizations or from officers or employees of companies and alcoholic beverage retailers or wholesalers will not be honored or returned. Please allow 4-6 weeks for delivery. Limit 1 refund per address.

WARNING:

Void where prohibited, taxed or otherwise restricted, including AL, AR, HI, IL, IN, MI, MS, MO, NC, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WA, WI, WY. Reproduction, purchase, sale or trading of this form, UPC, refund or cash register receipt will not be honored or returned. Fraudulent submission of refund request will result in federal prosecution for mail fraud under 18 USC Sections 1341, 1342.

Manufacturer's coupon. Offer Expires 3/31/05
© 2004 Estancia Estates, Soledad, CA
Not to be doubled.

Estancia
Save \$2.00 Now on Roast!

Manufacturer's Coupon • Expires 1/15/05 • DO NOT DOUBLE

CONSUMER: To redeem, present this coupon at check out to receive a \$2.00 savings on the purchase of any roast. No wine purchase necessary.

This coupon is not valid for employees, officers and directors of Estancia Estates and affiliated companies, licensed alcoholic beverage retailers and wholesalers, or other alcoholic beverage licensees, and families and households of the foregoing, and persons not of legal drinking age are not eligible. Void where prohibited. Not to be doubled. One coupon per purchase. **RETAILER:** This coupon will be redeemed for face value indicated plus \$.08 handling if you receive it on the sale of product indicated. Coupon may not be assigned or transferred. Invoice proving purchase of stock to cover coupons must be submitted upon request. Void where prohibited, taxed, or restricted by law. To redeem, **SEND TO:** CWC Promotional Services, P.O. Box 880181, El Paso, TX 79988-0181. Coupon expires 1/15/05. Cash value 1/100¢. Coupon must be received within 120 days from expiration date. Offer 14029



5 15826 99282 3 (8101)0 14029 1204

©2007 ESTANCIA WINERY, CA
WWW.ESTANCIWINERY.COM
POS# E5016425

Save \$1.00 NOW on Estancia Wine

CONSUMER: To redeem, present this coupon at check out to receive a \$1.00 savings on the purchase of Estancia wines. This coupon is not valid for employees, officers and directors of Estancia Estates and affiliated companies, licensed alcoholic beverage retailers and wholesalers, or other alcoholic beverage licensees, and families and households of the foregoing, and persons not of legal drinking age are not eligible. Void where prohibited. Not to be doubled. One coupon per purchase. **RETAILER:** This coupon will be redeemed for face value indicated plus \$.08 handling if you receive it on the sale of product indicated. Coupon may not be assigned or transferred. Invoice proving purchase of stock to cover coupons must be submitted upon request. Void where prohibited, taxed, or restricted by law. To redeem, **SEND TO:** CWC Promotional Services, P.O. Box 880181, El Paso, TX 79988-0181. Coupon expires 3/31/08. Cash value 1/100¢. Coupon must be received within 120 days from expiration date. 14041



5 15826 99276 2 (8101)0 14041 0305

BUY: Any 1 bottle of Estancia wine and receive a \$3.00 refund check.

REMOVE: Peel a circle over bottle top (must have top part of capsule).

SEND: This completed form and original cash register receipt(s) dated between 5/1/07 and 6/30/08 with the purchase price(s) entered.

MAIL TO: Offer 12261 - Save \$3 on Estancia
P.O. Box 9249
Young America, MN 55555-9249

MUST BE POSTMARKED BY: 7/15/08

NAME: _____

ADDRESS: _____ **APT#:** _____
Street Address Must Accompany P.O. Box

CITY: _____ **STATE:** _____ **ZIP:** _____

E-MAIL: _____

SIGNATURE: _____ **BIRTHDATE:** ____/____/____

REFUND CONDITIONS:

Offer expires 6/30/08. Offer valid for U.S. residents of legal drinking age. Refund request for group clubs, organizations or from officers or employees of companies and alcoholic beverage retailers or wholesalers will not be honored or returned. Please allow 4-6 weeks for delivery. Limit 1 refund per address.

WARNING:

Void where prohibited, taxed or otherwise restricted, including AL, AR, HI, IL, IN, MI, MS, MO, NC, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, TX, VA, VT, WA, WI, WY. Reproduction, purchase, sale or trading of this form, UPC, refund or cash register receipt will not be honored or returned. Fraudulent submission of refund request will result in federal prosecution for mail fraud under 18 USC Sections 1341, 1342.

MAIL IN REBATE. OFFER EXPIRES 12/31/05.
OFFER NOT FOR RESALE. SEE BACK FOR DETAILS.

Estancia
UNCORK & UNWIND



SAVE UP TO \$4.00
ON ESTANCIA WINES!

Manufacturer's Coupon • Offer Expires 1/15/05 • Not To Be Doubled
No Wine Purchase Necessary • See Back for Details
www.estanciaestates.com

Estancia
Perfect for Relaxed Holiday Entertaining



SAVE \$2.00 NOW ON ROAST

MAIL IN REBATE. OFFER EXPIRES 6/30/2008
OFFER NOT FOR RESALE. SEE BACK FOR DETAILS.

Enjoy *Estancia* Today



and Save \$1.00

Estancia

SAVE
\$3.00
ON ANY
ESTANCIA
WINE

(SEE BACK FOR DETAILS)



©2005 ESTANCIA ESTATES, SOLEDAD, CA
POS # 57739
WWW.ESTANCIWINERY.COM

©2004 Estancia Estates, CA
POS Item Number: 57740
Not for resale.

BUY: Any 1 bottle of Estancia and receive a \$1.50 refund check or buy any 2 bottles of Estancia and receive a \$1.00 refund check.

REMOVE: Peel capsule over bottle top (must have top part of capsule).

SEND: This completed form and original cash register receipt(s) dated between 10/1/05 and 12/31/05 with the purchase price(s) circled.

MAIL TO: Estancia Brand Offer 5893, P.O. Box 42921, Mesa, AZ 85247-2921

MUST BE POSTMARKED BY: 1/15/06

NAME: _____

ADDRESS: _____ APT #: _____
Street Address Must Accompany P.O. Box

CITY: _____ STATE: _____ ZIP: _____

E-MAIL: _____

SIGNATURE: _____ BIRTHDATE: ____/____/____

REFUND CONDITIONS:

Offer expires 12/31/05. Refund requests for groups, clubs, organizations or from officers or employees of (winery), and alcoholic beverage retailers or wholesalers will not be honored or returned. Please allow 6-8 weeks for delivery. Limit 1 refund per address.

WARNING:

Void where prohibited, taxed or otherwise restricted, including AL, AR, HI, IN, MI, MS, MO, NC, OR, OH, TX and UT. Reproduction, purchase, sale or trading of this form, UPC symbols or cash register receipts will not be honored or returned. Fraudulent submission of refund certificate may result in federal prosecution for mail fraud under 18 USC Sections 1341, 1342.

Estancia

Save \$2.00 Now on Roast!

Manufacturer's Coupon • Expires 1/15/05 • DO NOT DOUBLE
CONSUMER: To redeem, present this coupon at check out to receive a \$2.00 savings on the purchase of any roast. No wine purchase necessary.

This coupon is not valid for employees, officers and directors of Estancia Estates and affiliated companies, licensed alcoholic beverage retailers and wholesalers, or other alcoholic beverage licensees, and families and households of the foregoing, and persons not of legal drinking age are not eligible. Void where prohibited. Not to be doubled. One coupon per purchase. RETAILER: This coupon will be redeemed for face value indicated plus \$.08 handling if you receive it on the sale of product indicated. Coupon may not be assigned or transferred. Invoice proving purchase of stock to cover coupons must be submitted upon request. Void where prohibited, taxed, or restricted by law. To redeem, SEND TO: CWC Promotional Services, P.O. Box 880181, El Paso, TX 79988-0181. Coupon expires 1/15/05. Cash value 1/100¢. Coupon must be received within 120 days from expiration date. Offer 140293



Manufacturer's coupon. Offer Expires 3/31/05
© 2004 Estancia Estates, Soledad, CA
Not to be doubled.

©2007 ESTANCIA WINERY, CA
WWW.ESTANCIWINERY.COM
POS# E5016425

Save \$1.00 NOW on Estancia Wine

CONSUMER: To redeem, present this coupon at check out to receive a \$1.00 savings on the purchase of Estancia wines. This coupon is not valid for employees, officers and directors of Estancia Estates and affiliated companies, licensed alcoholic beverage retailers and wholesalers, or other alcoholic beverage licensees, and families and households of the foregoing, and persons not of legal drinking age are not eligible. Void where prohibited. Not to be doubled. One coupon per purchase.

RETAILER: This coupon will be redeemed for face value indicated plus \$.08 handling if you receive it on the sale of product indicated. Coupon may not be assigned or transferred. Invoice proving purchase of stock to cover coupons must be submitted upon request. Void where prohibited, taxed, or restricted by law. To redeem, SEND TO: CWC Promotional Services, P.O. Box 880181, El Paso, TX 79988-0181. Coupon expires 3/31/05 Cash value 1/100¢. Coupon must be received within 120 days from expiration date.

140418

14041



BUY: Any 1 bottle of Estancia wine and receive a \$3.00 refund check.

REMOVE: Peel capsule over bottle top (must have top part of capsule).

SEND: This completed form and original cash register receipt(s) dated between 5/1/07 and 6/30/08 with the purchase price(s) circled.

MAIL TO: Offer 12261 - Save \$3 on Estancia
P.O. Box 9249
Young America, MN 55558-9249

MUST BE POSTMARKED BY: 7/15/08

NAME: _____

ADDRESS: _____ APT #: _____
Street Address Must Accompany P.O. Box

CITY: _____ STATE: _____ ZIP: _____

E-MAIL: _____

SIGNATURE: _____ BIRTHDATE: ____/____/____

REFUND CONDITIONS:

Offer expires 6/30/08. Offer valid for U.S. residents of legal drinking age. Refund requests for groups, clubs, organizations or from officers or employees of (winery), and alcoholic beverage retailers or wholesalers will not be honored or returned. Please allow 6-8 weeks for delivery. Limit 1 refund per address.

WARNING:

Void where prohibited, taxed or otherwise restricted. Reproduction, purchase, sale or trading of this form, UPC symbols or cash register receipts will not be honored or returned. Fraudulent submission of refund certificate may result in federal prosecution for mail fraud under 18 USC Sections 1341, 1342.

©2005 ESTANCIA ESTATES, SOLEDAD, CA

POS # 100867

NO WINE PURCHASE NECESSARY.

Estancia
UNCORK & UNWIND
WITH **REALSIMPLE**



SAVE 25% OFF THE COVER PRICE
SEE BACK FOR DETAILS

Offer not applicable in jurisdictions where Estancia Wines is not sold. Offer valid through 12/31/05. See Back for Details.

www.estanciaestates.com



Estancia

Brings you savings for holiday entertaining



SAVE UP TO \$4.00
on Estancia Wines (see back for details)

PAUL W. REIDL

VOID WHERE PROHIBITED BY LAW.
NO WINE PURCHASE NECESSARY.
OFFER VALID 5/20/05 - 9/10/05

©2004 Estancia Estates, CA
POS Item Number: 57739
Offer not for resale.

UNWIND WITH YOUR OWN COPY OF REAL SIMPLE
MAGAZINE. ESTANCIA IS BRINGING YOU 25% IN SAVINGS
OFF THE COVER PRICE FOR AN INTRODUCTORY
SUBSCRIPTION TO REAL SIMPLE MAGAZINE.

TO OBTAIN YOUR
INTRODUCTORY MAGAZINE
SUBSCRIPTION FOR \$5.97
CALL 1-800-586-2198 FOR
DETAILS AND TO HEAR ABOUT
OTHER MAGAZINES AVAILABLE.

WWW.ESTANCIWINERY.COM



Offer Expires 1/15/05

BUY: 1 bottle of Estancia and receive a \$1.50 refund check or buy 2 bottles of Estancia and receive a \$4.00 refund check. Offer not applicable on purchase of Estancia Red Meritage or Estancia Reserve Pinot Noir.

REMOVE: Foil capsule over bottle top (must include top part of capsule).

SEND: 1 in completed form, foil capsule(s) and original cash register receipt(s) dated between 8/1/04 and 1/15/05 with the purchase price(s) circled.

MAIL TO: Estancia Brand Offer P.O. Box 42921 Offer # 4583, Mesa, AZ 85274-2921
MUST BE POSTMARKED BY: 1/31/05.

NAME: _____

ADDRESS: _____ **APT#:** _____
Street Address Must Accompany PO Box

CITY: _____ **STATE:** _____ **ZIP:** _____

E-MAIL: _____

SIGNATURE: _____ **BIRTHDATE:** ____/____/____

REFUND CONDITIONS:

Offer expires 12/31/04. Offer valid only for residents of legal drinking age. Refund requests for groups, clubs, organizations or farm officers or employees of (winery), and alcoholic beverage retailers or wholesalers will not be honored or returned. Please allow 6-8 weeks for delivery. Limit 1 refund per address.

WARNING:

Void where prohibited, taxed or otherwise restricted, including AL, AK, HI, IN, ME, MS, MO, NC, OH, OK, TX and UT. Reproduction, purchase, sale or trading of this form, UPC symbols or cash register receipts will not be honored or returned. Fraudulent submission of refund certificate may result in federal prosecution for mail fraud under 18 USC Sections 1341, 1342.

HOLIDAY 2005



DISPLAY A WINNING WINERY

FOUR GREAT REASONS TO FEATURE AND DISPLAY ESTANCIA:

- Estandia is the largest Central Coast grocery winery in volume and revenue.
- Estandia Chardonnay growth is outpacing overall category growth for ultra-premium Chardonnay.
- Estandia Pinot Noir is the #1 Central Coast Pinot Noir in growth, volume and revenue.
- Estandia Zinfandel is the fastest growing in its category.

Source: IRI Data 52 Weeks 09/05/04



"In 1994, Estandia made a massive commitment to the Central Coast region of Paso Robles, planting 711 acres of what the winery says will be its future Bordeaux-style wines. The company knew that the small grapes vineyard can produce in Paso mean opulent, concentrated Cab, such as this."

FOOD&WINE
AMERICAN WINE AWARDS 2004



Estancia

MONTEREY, CALIFORNIA



RECIPE FOR LIVING
\$3 IRC

(CA POS #: ESO14625)
(NATL POS #: ESO14725)
(WA/OR POS #: ESO14825)



EASY TO ASSEMBLE ARBOR DISPLAY (POS #: ESO0881) WITH EDUCATIONAL PAMPHLETS W/HOLDERS. (POS #: ESO08425)



RECIPE FOR LIVING



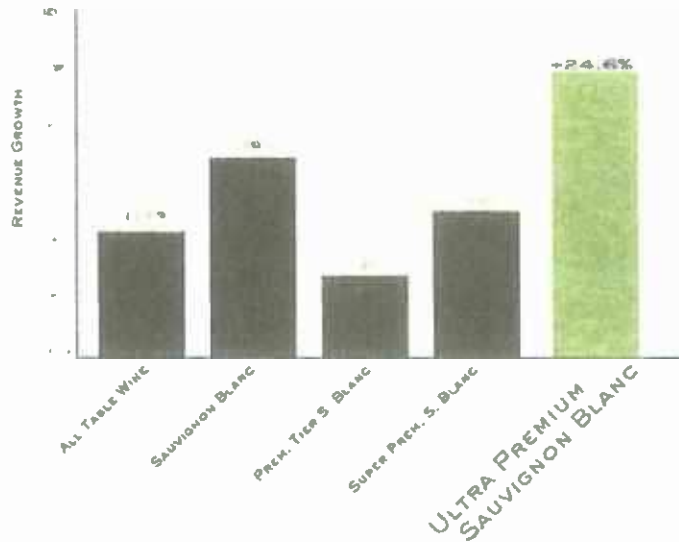
FRESH-THMED IRC NECKERS



AVOCADOES

RECIPES FOR LIVING
FRESH-THMED IRC NECKERS
SAVE \$2 ON FRESH PRODUCE

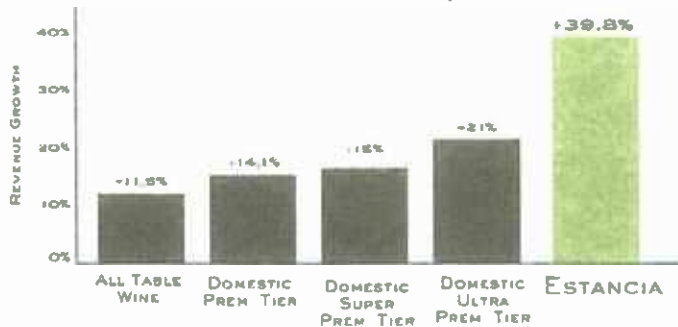
ULTRA-PREMIUM SAUVIGNON BLANC DEMAND SURGES



Domestic Sauvignon Blanc S-growth outpacing all table wine.

*IRI Total US Grocery & Drug, 12 weeks ended October 2, 2016

CONSUMERS DRIVE DEMAND FOR ESTANCIA QUALITY



Estancia delivers nearly 2x the revenue growth of sizzling ultra-premium category!

*IRI Total US Grocery & Drug, 12 weeks ended October 2, 2016

OFF-PREMISE MARKET LEADERSHIP



March - 2016

- Minimum of 15% Growth Current Year
- 3 Years Consecutive Double-Digit Growth

PAUL W. REIDL



Estancia
MONTEREY, CALIFORNIA



INTRODUCING MONTEREY SAUVIGNON BLANC

Monterey is one of the regions in California generating the most excitement for Sauvignon Blanc. Located just off the Pacific coast, fog sweeps in each night, then gives way to cool breezes throughout the afternoon. This strong maritime influence keeps the grapes hanging on the vines longer than other growing regions. It's the "hang-time" in the vineyard that allows the grapes to develop the crisp acidity, vibrant aromatics and fruit intensity found in Estancia Sauvignon Blanc.



Grapes were night-harvested to benefit from cooler temperatures that protect fruit intensity.



Cold temperature, extended skin maceration for maximum extraction of aromatics.



100% temperature controlled stainless steel fermentation to preserve crisp acidity.



ON PREMISE SALES

Top 20 Brand
by-the-Glass

Wine & Spirits
April 2007



ESTANCIA WINERY IS A PROUD SPONSOR OF THE MONTEREY PEACH FESTIVAL

MONTEREY BAY
AQUARIUM

www.estanciawinery.com



MONTEREY: A STORY OF TWO VINEYARDS A MICROCLIMATE AND BOUTIQUE WINEMAKING

■ PINNACLES RANCHES

- 900 acres situated on a frost-free benchland above the Salinas Valley.
- Cooled by morning and evening fog, but far enough from Monterey Bay to get a good daily dose of sun.
- Pinnacles wines are pretty, elegant wines, recalling the finesse of Côte de Beaune.

■ SANTA LUCIA HIGHLANDS, STONEWALL VINEYARD

- 84 acres under vine on a gentle slope, alluvial soils reduce the need for irrigation.
- Ridges and contours in the hills are natural windbreaks, so the east-facing Stonewall Vineyard gets a strong dose of mid-day heat.
- Only a limited amount of the wine from this estate is selected and bottled as our Stonewall Vineyard Pinot Noir.
- Wines from Stonewall Vineyard are more concentrated and explosive, suggesting the power of Côte de Nuits.

■ BOUTIQUE WINEMAKING

- Dedicated Pinot Noir fermentation room.
- Basket presses for Pinot Noir and Pinot Grigio.
- Sur-lie barrel fermentation for Chardonnay.

At Estancia, we take a boutique winery approach, where quality is the result of attention to every detail, beginning in the vineyard. We control the process from the start—from the trials in our own experimental vineyard blocks, to planting, harvesting, fermenting and aging the wines.



Hands-on crafting of the wines, using grapes from our own vineyards and insisting on the highest standards for winemaking, results in Estancia's superior wine quality.





PINNACLES VINEYARD

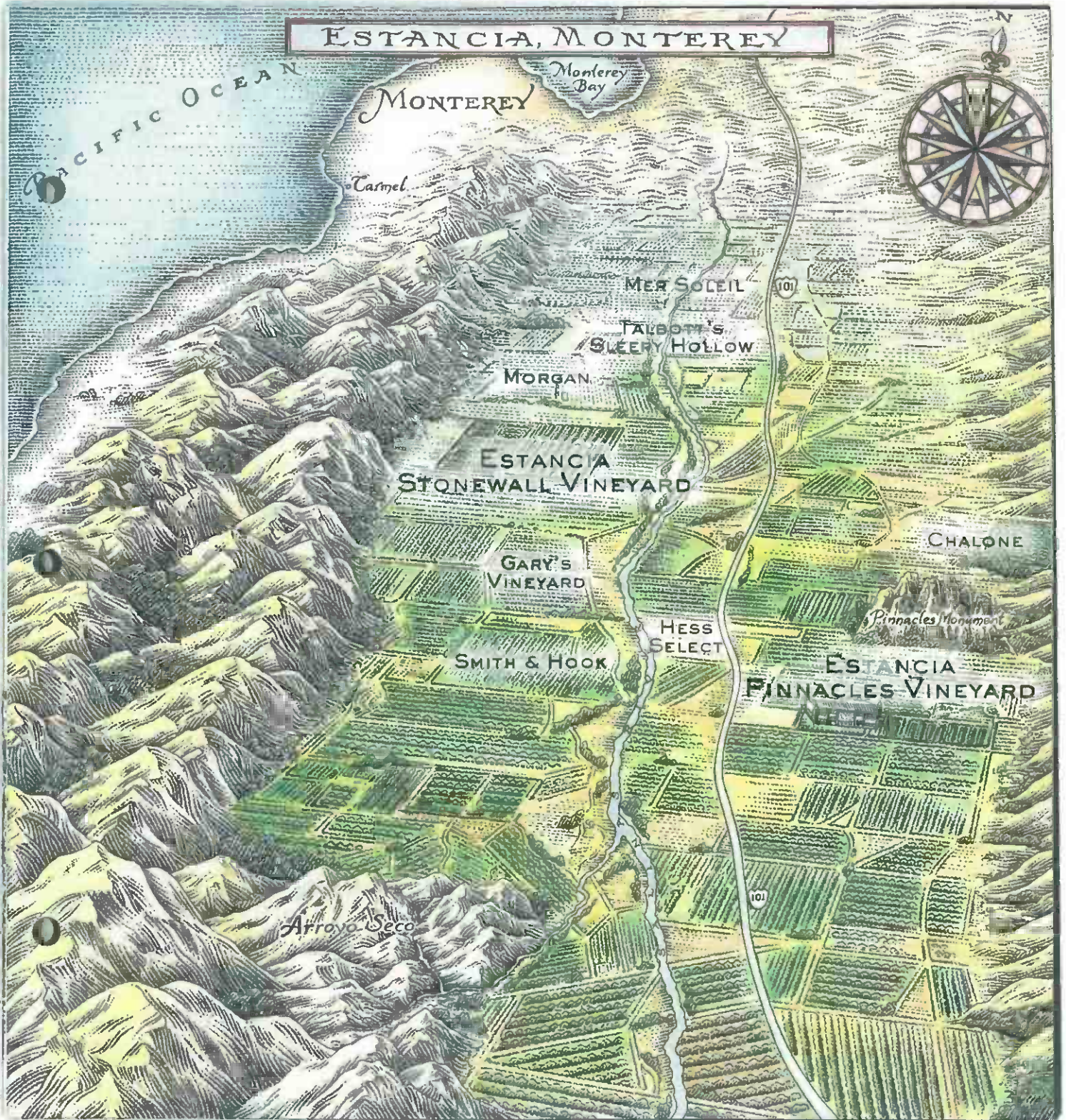
PINNACLES VINEYARD CHANGING *the* LANDSCAPE *of* MONTEREY

SINCE IT WAS ACQUIRED IN THE 1980S, ESTANCIA'S ORIGINAL MONTEREY VINEYARD HAS BEEN A SCENE OF UNCEASING evolution. It was the first site to establish an extensive experimental vineyard to study clones and rootstocks in Monterey, and the first vineyard to boast a permanent irrigation system, revolutionary at the time. Since then, Estancia's first 45-acre experimental plot has morphed into 1,200 acres of different clones and varieties planted using the most advanced techniques in viticulture. In addition to elegant, classic Pinot Noir, Pinnacles produces bright, tropical Chardonnay, with delicious Pinot Grigio now making a buoyant bid for attention.

Pinnacles was also the first vineyard in Monterey to utilize windbreaks to combat the famous Monterey Bay breeze. Each afternoon, rising inland temperatures suck

cool air from the surface of the Monterey Bay, resulting in a runaway wind hurtling down the Salinas Valley that shuts down photosynthesis and impedes ripening in the vines. Estancia's windbreaks keep the vineyard a few degrees warmer, ensuring full ripening in even the coolest years.

Evolution is ongoing at Pinnacles. Nestled in the warmer nooks of the foothills, Syrah, Grenache and Mourvèdre are growing uphill from cool-climate Merlot. Experiments are also underway with narrow vine spacing and cane pruning as practiced in Burgundy. The Pinnacles Vineyard is an unfolding showplace of modern winegrowing methods; you could accurately say that its comfort zone is the cutting edge.





Estancia

OUR WINES | WINEMAKING | SIMPLE FACTS | VINEYARD TOUR | "E" SPACE | GUESTBOOK | FRESH TWIST

OUR WINES



RESERVE WINES



RESERVE
CHARDONNAY



RESERVE
PINOT NOIR



RESERVE
MERITAGE



CONTEMPORARY



PINOT GRIGIO



SHIRAZ



RIESLING



ESSENTIAL



SALVIGNON
BLANC



CHARDONNAY



PINOT NOIR



MERLOT



CABERNET
SAUVIGNON



ZINFANDEL



2007 CHARDONNAY

Estancia Chardonnay grapes are grown in our Pinnacles Vineyard on the east side of the Salinas Valley at the base of the Gabilan Mountains, with additional fruit from the Santa Lucia Highlands to the west. The cool climate and sandy, well-drained soils keep yields low and fruit intensity high.

The 2007 harvest began with an unusually wet spring followed by multiple cloudy days during the first few weeks of summer. These cooler weather conditions allowed the vines to develop slowly before the summer heat crept into the valley. The result was a shortened growing season which attributed to an elegant,

Appearance: Light straw gold in color

Aroma: Fresh pear and crisp apple are accented by notes of honeydew with a touch of floral on the finish.

Flavor: Bright tropical notes and stone fruit compliment the vibrant nuances of citrus. Soft touches of toasty oak and cream accentuate the lingering, mineral finish.

Appellation: Monterey County

Oak Aging: 8 months in French and American oak, 30% new

Total Acidity: 6.3 g/L

pH: 3.51

Alcohol: 13.5%

Release date: June 2007



PRINT PDF OF
FACT SHEET



BUY NOW

EXHIBIT

18 FOR ID
1-210-11 DM



PINNACLES STATEMENT
COPYRIGHT © 2009 ESTANCIA



JOIN OUR WINE CLUB

PAUL W. REIDL

EXHIBIT

19 FOR ID
1-21-11 DH



EXHIBIT

PENGAD 900-601-0095

K
1-4-11



ESTANCIA MONTEREY CHARDONNAY
PINNACLES RANCHES

PINNACLES
RANCHES

Ranches are near Monterey's Pacific coast, giving way to warm, sunny days perfect for wine. We employ artisan winemaking practices to craft wines of exceptional character and quality. Tropical fruit flavors.

www.estanciaestates.com

PRODUCED BY ESTANCIA ESTATES
ANNUAL CONTAINS SULFITES

WARNING: (1) ACCORDING TO THE
FEDERAL GOVERNMENT, THIS WINE
CONTAINS SULFITES. (2) CONSUMPTION OF
WINE SHOULD NOT BE EXCESSIVE.
EFFECTS: (2) CONSUMPTION OF
WINE IMPAIRS YOUR ABILITY TO
OPERATE MACHINERY, AND MAY
AFFECT YOUR JUDGMENT.

PAUL W. REIDL



PAUL W. REIDL



PAUL W. REIDL

CLIES

EXHIBIT

QO For ID
1-20-11 DM

PAUL W. REIDL



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11 Attorneys for Defendant FRANCISCAN VINEYARDS, INC.

12
 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

16 WHITE ROCK DISTILLERIES, INC.,
 17 Plaintiff,
 18 vs.
 19 FRANCISCAN VINEYARDS, INC.,
 20 Defendant.
 21
 22
 23
 24
 25

Case No.: 08-cv-5478 JSW

**DECLARATION OF RONALD C.
 FONDILLER IN SUPPORT OF
 DEFENDANT FRANCISCAN
 VINEYARDS, INC.'S MOTION TO
 DISMISS PURSUANT TO FED. R. CIV. P.
 12(b)(1)**

Hearing Date: February 27, 2009
 Hearing Time: 9:00 AM
 Department: 2, 17th Floor

[Also filed concurrently herein: Defendant
 Franciscan Vineyards, Inc.'s Motion to
 Dismiss Pursuant to Fed. R. Civ. P.
 12(b)(1)]

26 I, Ronald C. Fondiller, do hereby state and declare as follows:

27 1. I am Vice President and Assistant Secretary of Constellation Brands, Inc. ("CBP") and
 28

1 am Senior Vice President, General Counsel and Secretary of its wholly-owned subsidiary, Defendant,
2 Franciscan Vineyards, Inc. ("FVI") and have acted in such capacities since long prior to the institution
3 of this litigation. Constellation Brands, Inc. is a publicly-traded company. I am submitting this
4 declaration in support of FVI's Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1). Except as
5 otherwise noted herein, I have personal knowledge of the facts stated herein, and if called to testify
6 before the Court, I could and would competently testify thereto.

7 2. In my capacity as an officer with CBI, a large, if not the largest producer of alcoholic
8 beverages in the world, I am familiar with both Plaintiff, White Rock Distilleries, Inc. ("WRD") and
9 their Pinnacle brand of vodka.

10 3. When WRD's trademark application for Pinnacle in International Class 033 for vodka
11 was published for opposition in the *Official Gazette* of the United States Patent and Trademark Office
12 ("USPTO"), I was contacted by Stephen L. Baker of the Baker and Rannells firm, our longstanding
13 trademark counsel. In response to our conversations, I gave Mr. Baker authority to proceed only with
14 an opposition to WRD's Pinnacle trademark application pending in the USPTO.

15 4. Under the circumstances, it was never the intention of FVI to challenge WRD's current
16 use of its Pinnacle trademark, *i.e.*, on vodka and flavored vodkas. We have never made and never will
17 make any demands on WRD to cease and desist from its current use of the Pinnacle trademark. Our
18 sole concern is the registration of WRD's Pinnacle application in International Class 033 in the
19 USPTO, as such a registration necessarily would weaken FVI's PINNACLES Registration.

20 I declare under penalty of perjury under the laws of the United States of America that the
21 foregoing is true and correct. Executed at Monterey, California, this 5th day of February, 2009.

22
23 
24 Ronald C. Fondiller
25
26
27
28